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International Court of Justice

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Official Transcript of the International Military Tribunal, in the matter of: The United States of America, The French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 8 January 1946, 1000-1245, Lord Justice Lawrence, presiding.

COL. WHEELER: The Nazis did not overlook other sects or denominations in their efforts to suppress Christian religion in Germany. They persecuted the "Bibelforscher" or Bible Research Workers as well. There has already been introduced and read into evidence Document No. D-84, USA Exhibit No. 236, showing that members of this sect were not only prosecuted in the courts, but also seized and sent to concentration camps even after serving or remitting of their judicial sentences.

In Document No. 2928-PS, USA Exhibit 239, included in USA Document Book A, further evidence of persecution of Bibelforschers appears.

THE PRESIDENT: I think you are going a little bit fast. We are not going to refer to D-84?

COL. WHEELER: I am not going to read from it, sir.

THE PRESIDENT: Then you go to 2928-PS?

COL. WHEELER: 2928-PS, in the Document Book, sir.

THE PRESIDENT: Are you going to read from there?

COL. WHEELER: I was going to read a few lines from that.

THE PRESIDENT: Very well.

COL. WHEELER: This document is an affidavit by Matthias Lex, Vice-President of the National Union of Shoemakers. In describing his experience in Dachau concentration camp he says, and I quote from the third page of his affidavit.

THE PRESIDENT: The third page?

COL. WHEELER: Paragraph 9, 11 lines from the bottom.

THE PRESIDENT: Yes.

COL. WHEELER: "I include in the political prisoners the Bible-researchers"--

THE PRESIDENT: That is not at the beginning of paragraph 9?

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COL. WHEELER: That is near the end of the page, sir.

THE PRESIDENT: Paragraph 9 you said, didn't you?

COL. WHEELER: Of 2928-PS; paragraph 9 is a long paragraph, and there is a list of names of individuals at the camp, and it is on the second page of that list, at the bottom of the page, about ten lines up from the bottom of that page. This is a long paragraph, and starts after No. 33, the name of one of the men in the camp, and I am just reading that one sentence: "I include in the political prisoners the Bible-researchers ('Bibelforscher') whose number I estimate at over 150."

I want to read further from the last line of that page and the next few lines of the next page:

"The following groups were kept entirely isolated: The members of the so-called 'Punishment-Companies' ('Strafkompanien'), who were in a concentration camp for a second time and after about 1937 also the 'Bibelforscher'. Members of the 'Punishment-Companies' were such prisoners who had committed disciplinary or slight offenses against the camp regulations. The following groups lived separately but could mix with the other groups during the day, either while working or while strolling through the camp: Political prisoners, Jews, Anti-Socials, Gypsies, Felons, Homosexuals, and before 1937 also the Bible-Researchers."

I refer also to Document No. 1531-PS. This is not in the Document Book; USA Exhibit No. 248, which is already in evidence. This was an order by the RSHA in 1942, authorizing third-degree methods against Jehovah's Witnesses. That was read by Colonel Storey.

I now turn to acts of suppression in the annexed and occupied territories. In Austria, Bishop Paulus Rusch of Innsbruck has written an illuminating report on this subject. I offer this sworn statement in evidence--3278-PS, USA Exhibit No. 569. This is a report on the fighting of National Socialism in the Apostolic Administration of Innsbruck-Feldkirch, of Tyrol and Vorarlberg. In this the Bishop declares, and I start on the first page of the English text and of the German translation:

"After having seized power Nationalsocialism immediately showed the tendency to exclude Church from publicity."

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THE PRESIDENT: Don't go too fast.

COL. WHEELER: That is 3278-PS. The expression "Publicity"--this was written in English by the Bishop--evidently means "public activities." I continue with the quote:

"At 'Corpus Christi' in 1938 the customary solemn procession was forbidden. In the Summer of the same year all ecclesiastical schools and kindergartens were disbanded. Daily newspapers and weekly review of Christian thinking were likewise removed. In the same years all kinds of ecclesiastical organizations, especially youth organizations such as Boy Scouts, were disbanded, all activity forbidden.

"The effect of these prohibitions came soon: The clergy took opposition against them, they could not do otherwise. Then a great wave of priest-arrests followed. About a fifth of them were eventually arrested. Reasons for arrests were:

"1. The 'Pulpit-paragraph.' When Party actions were mentioned or criticized even in the humblest manner.

"2. The 'practice of the' care of Young people. A specially heavy prohibition was given in November 1939. Children's or Youth's Mass or Services were forbidden. Religion or Faith-lessions were not allowed to be given in the Church except lessons of preparing for First Communion or Confirmation. Teaching of religion at school was very often forbidden without any reason.

"The priest, according to his conscience could not follow this public proscritpion and this explained the great number of arrests of priests. Finally, the priests were arrested on account of their 'caritative' work. It was for instance forbidden to give anything to foreigners or prisoners. A priest was arrested because he gave a cup of coffee and bread to two hungry Dutchmen. This 'Caritative' act was seen to favor elements foreign to the race.

"In 1939 and 1940 a new activity began. Cloisters and abbeys were seized, disbanded and many churches belonging to them

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closed. Among these two nun-convents were disbanded: the clister of the Dominican-sisters of Kludenz and that of the 'Perpetual Adoration' of Innsbruck. In the latter, the Sisters were dragged, one by one, out of the cloister, by the 'Gestapo'. In the same way ecclesiastical property such as Association-Houses, Parish and Youth-Homes were seized. A list of these closed churches, disbanded cloisters, and ecclesiastical institutions is attached.

"Despite all these measures, the results were not satisfactory. Then priests not only were arrested, but also deported to concentration camps. Eight priests of Tyrol and Vorarlberg have been imprisoned, among them the Provicar Monsignore Dr. Charles Lampert. One died there on account of the ill treatment, the others returned. Provicar Lampert was released but required to remain in Stettin, where later he was rearrested and executed in November 1944, after having been condemned to death by secret proceedings."

There is attached to this report a three-and-a-half page list entitled "List of Churches, convents, monasteries and ecclesiastical objects of Tyrol and Vorarlberg, seized respectively, confiscated, further of the Institutions, confessional schools, etc, disbanded." Unless the Tribunal requires it, I will not read these names.

I offer in evidence 3274-PS, USA Exhibit No. 570, received from Cardinal Innitzer of Vienna, and authenticated by him. This is the first joint Pastoral Letter of the Archbishops and Bishops of Austria, after liberation, dated October 17, 1945. I quote from page 1, second paragraph of the English and German texts, which sums up the Nazi conspirators' campaign in Austria:

"A war which has raged terribly and horribly, like none other in past epochs of the history of humanity, is at an end. At an end also is an intellectual battle, the goal of which was the destruction of Christianity and church among our people; a campaign of lies and treachery against truth and love, against divine and human rights, and against international law."

I quote further from the fourth and following paragraphs:

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"Direct hostility to the church was revealed in regulations against orders and monasteries, Catholic schools and institutions, against religious foundations and activities, against the buildings of ecclesiastical houses and institutions; without the least right to defend themselves they were declared enemies of both people and state and their existence destroyed.

"Religious instruction and education of children and youth were purposely limited, frequently entirely prevented. They encouraged in every manner all efforts hostile to religion and the church and thus sought to rob the children and youth of our people of the most valuable treasure of holy faith and of true morality born of the Spirit of God. Unfortunately the attempt succeeded in innumerable cases to the permanent damage of young people.

"Spiritual care of souls in churches and ecclesiastical houses, in hospitals and other institutions was seriously obstructed. It was made ineffectual in the Armed Forces and in the Labor Service in the sending of youth to the country and beyond that even in individual families and among numerous persons, to say nothing of the prohibition of spiritual ministration to people of another nationality and of other races.

"How often was the Divine Service as such, also sermons, folk missions, communion days, retreats, processions, pilgrimages limited, for the most impossible reasons, and made entirely impossible.

"Catholic literature, newspapers, periodicals, church papers, religious writings were stopped, books and libraries destroyed.

"What an injustic occurred in the dissolution of many Catholic societies in the destruction of numerous church activities.

"Individual Catholic and Christian believers whose religious confession was allegedly free, were spied upon, criticized on account of their belief, scorned on account of their Christian activity. How many loyal officials, teachers, public and private employees, laborers, businessmen and artisans, indeed even peasants were put under pressure and terror. Many lost their jobs, some were pensioned off, others

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dismissed without pension, demoted, deprived of their real professional activity. Often enough, such people who remained loyal to their convictions were discriminated against, condemned to hunger or tortured in concentration camps. Christianity and the church were continually scorned and exposed to hatred.

"The apostasy movement found every assistance. Every opportunity was used to induce many to withdraw from the church."

In assessing responsibility for these acts of suppression in Austria, the Court will recall that the Defendant von Schirach was Gauleiter of Vienna from 1940 to 1945.

I now come to the acts of suppression in Czechoslovakia, where, the Court will recollect, the Defendant von Neurath was Reich Protector for Bohemia and Moravia from 1939 to 1943, and was succeeded by the Defendant Frick. These acts have been summarized in an official Czech Government report. I offer in evidence 998-PS, USA Exhibit No. 91, already in evidence. These are excerpts not previously read or referred to from the Czech official report for the prosecution and trial of the German major war criminals by the International Military Tribunal established according to the agreement of the four great Powers of August 8, 1945. Since this is an official Government document or report of one of the United Nations, I ask that the Tribunal take judicial notice of it under Article 21 of the Charter, and I suggest that I be permitted to summarize rather than read it.

It describes the maltreatment of Catholic priests -- 487 of whom were sent to concentration camps as hostages -- dissolution of religious orders, suppression of religious instruction in Czech schools, suppression of Catholic weeklies and monthlies, dissolution of the Catholic gymnastic organization of 800,000 members, and seizure of Catholic church property. It describes the entire prohibition of the Czechoslovak National Church and confiscation of

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all its property in Slovakia, and its crippling in Bohemia. The report describes the severe restriction on freedom of preaching by the Protestants, and the persecution and imprisonment and execution of ministers and suppression of Protestant church youth organizations and theological schools, and shows the complete subordination and later dissolution of the Czech Orthodox Church. It states that all Evangelical teachers lost their employment.

The repressive measures adopted by the Nazi conspirators in Poland against the Christian Church were even more drastic and sweeping.

The Vatican documents now to be introduced describe persecutions of the Catholic Church in Poland into three areas: First, the Incorporated Territories, especially the Warthegau; second, the Gouvernment General; and third, the Incorporated Eastern Territories.

The Court will recall that the incorporated territories comprised territories adjacent to the old Reich, chiefly the Reich District Warthe-land or Warthegau, which included particularly the cities of Poznan and Lodz, and the Reich district Danzig, West Prussia.

The occupied Polish territories, which were organized into the Gouvernment General, comprised the remainder of Poland, seized by the German forces in 1939, and extending to the new boundary with the Soviets, formed at that time. This included Warsaw and Cracow. After the Nazis attacked the Union of Soviet Socialist Republics in June 1941, the parts of old Poland lying further to the East and then overrun were included in the so-called Occupied Eastern Territories.

For the purpose of tying in the defendants' responsibility for the persecutions occurring in their respective areas, the Court will bear in mind that the defendant Frick was the official chiefly responsible for the reorganization of the Eastern territories. The defendant Frank was head of the Gouvernment General from 1939 to 1945. The defendant Seyss-Inquart was Deputy Governor General there from 1939 to 1940. And the defendant Rosenberg was Reich Minister for the Occupied Eastern Territories from July 17, 1941, to the end.

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I now offer in evidence Document Number 3263-PS, USA Exhibit Number 571, headed "Memorandum of the Secretariate of State to the German Embassy regarding the Religious Situation in the 'Warthegau', October 8, 1942". This document bears a certificate of authenticity from the Vatican, signed by the Papal Secretary of Extraordinary Ecclesiastical Affairs, corresponding to that accompanying 3261-PS, read in evidence a few minutes ago. Unless the Court requires otherwise, I suggest that it is not necessary to read each of these series, which are all similar to each other. I quote from 3263-PS, the first paragraph:

"For quite a long time the religious situation in the region called 'Warthegau' gives cause for very grave and ever-increasing anxiety. There, in fact, the Episcopate has been little by little almost completely eliminated; the secular and regular clergy have been reduced to proportion that are absolutely inadequate, because they have been in large part deported and exiled; the education of clerics has been forbidden; the Catholic education of youth is meeting with the greatest opposition; the nuns have been dispersed; insurmountable obstacles have been put in the way of affording people the helps of religion; very many churches have been closed; Catholic intellectual and charitable institutions have been destroyed; ecclesiastical property has been seized."

On March 2, 1943, the Cardinal Secretary of State addressed to the defendant von Ribbentrop, Foreign Minister of the Reich, a note setting forth in detail the persecutions of Bishops, priests and other ecclesiastics and suppression of the exercise of religion in the occupied Polish provinces. This document is so explicit and so authoritative that it deserves extensive quotation. I accordingly offer it in evidence, Document Number 3264-PS, USA Exhibit Number 572. It is headed: "A Note of His Eminence the Cardinal Secretary of State to the Foreign Minister of the Reich about the religious situation in the 'Warthegau', and in th other Polish provinces subject to Germany". It bears a Vatican certific of authenticity like that of 3261-PS. It is signed L.Card.Maglione.

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I quote from this note, starting with Page 1, the third paragraph of the English mimeographed text and of the German translation:

"The place where, above all, the religious situation, by its unusual gravity, calls for special consideration is the territory called the 'Reichsgau Wartheland'.

"Six bishops resided in that region in August 1939; now there is left only one. In fact:

"The Bishop of Lodz (Litzmannstadt) and his Auxiliary were, in the course of the year 1941, confined first in a small district of the diocese and then expelled and exiled in the "Generalgouvernment.'

"Another Bishop, Mgr. Michael Kozal, Auxiliary and Vicar General of Wladislavia, was arrested in the autumn of 1939, detained for some time in a prison in the city and later in a religious house in Lad, and finally was transferred to the

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concentration camp at Dachau.

"Since His Eminence the Cardinal Archbishop of Gniezno and Poznan and the Bishop of Wladislavia, who had gone away during the period of military operations, were not allowed to return to their Sees, the only Bishop who now remains in the 'Warthegau' is His Excellency Mgr. Valentine Dymek, Auxiliary of Poznan; and he, at least up to November 1942, was interned in his own house."

I pass now to Page 2, fourth paragraph of the English text, the fifth paragraph of the German text:

"If the lot of their Excellencies the Bishops has been a source of anxiety for the Holy See, the condition of an immense number of priests and religious has caused it and still causes it no less grief.

"In the territory now called 'Warthegau', more than two thousand priests exercised their ministry before the war; they are now reduced to a very small number.

"According to accounts received from various quarters by the Holy See, in the first months of the military occupation not a few members of the secular clergy were shot or otherwise put to death, while others - some hundreds - were imprisoned or treated in an unseemly manner, being forced into employments unbecoming their state and exposed to scorn and derision.

"Then, while numbers of ecclesiastics were exiled or constrained in some other way to take refuge in the 'General-gouvernment', many others were transferred to concentration camps. At the beginning of October 1941, the priests from the dioceses of the 'Warthegau' detained in Dachau already numbered several hundreds; but their number increased considerably in that month following a sharp intensification of police measures which culminated in the imprisonment and deportation of further hundreds of ecclesiastics. Entire 'Kreise' (districts) remained thus completely deprived of clergy. In the city of Poznan itself the spiritual care of some 200,000 Catholics remained in the hands of not more than four priests.

"No less painful was the fate reserved for the regular clergy. Many religious were shot or otherwise killed; the great majority of the others were imprisoned, deported or expelled.

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"In the same way, far-reaching measures were taken against the institutions preparing candidates for the ecclesiastical state. The diocesan seminaries of Gniezno and Posnan, of Wladislavia, and of Lodz were closed. The seminary in Poznan for the training of priests destined to work among Polish Catholics abroad was also closed.

"The novitiates and houses of formation of the religious Orders and Congregations were closed.

"Not even the Nuns were able to continue their charitable activities without molestation. For them were set up a special concentration camp at Bojanowo, where towards the middle of 1941 about four hundred sisters were interned and employed in manual labor. To a representation of the Holy See made through the Apostolic Nunciature in Berlin your Reichministry for Foreign Affairs replied in the Memorandum Pol. III 1886 of September 28 of the same year, that it was only question of a temporary measure, taken with the consent of the Reichslieutenant for Wartheland, in order to supply the lack of housing for Polish Catholic Sisters. In the same memorandum it was admitted that as a result of reorganization of charitable institutions many Catholic sisters were without employment.

"But, in spite of the fact that this measure was declared to be temporary, it is certain that towards the end of 1942 some hundreds of Nuns were still interned at Bojenowo. It is established that for some time the religious were deprived even of spiritual help.

"Likewise in the matter of education and religious instruction of youth, no attention was paid in the 'Warthegau' to the rights of the Catholic Church.

"All the Catholic schools were suppressed."

I turn now to Page 4--

THE PRESIDENT: Who was the Foreign Minister of the Reich at the time that document was sent?

COLONEL WHEELER: The defendant von Ribbentrop.

THE PRESIDENT: Ribbentrop.

COLONEL WHEELER: I turn to Page 4, the tenth paragraph of the English text, Page 5, fourth paragraph of the German text:

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"The use of the Polish language in sacred functions, and even in the Sacrament of Penance, was forbidden. Moreover-- and this is a matter worthy of special mention and is at variance with the natural law and with the dispositions accepted by the legal systems of all nations--for the celebration of marriage between Poles the minimum age limit was fixed at 28 years for men and 25 years for women.

"Catholic action was so badly hit as to be completely destroyed. The National Institute, which was at the head of the whole Catholic Action Movement in Poland, was suppressed; as a result all the associations belonging to it, which were flourishing, as well as all Catholic cultural, charity and social service institutions were abolished.

"In the whole of the 'Warthegau' there is no longer any Catholic press and not even a Catholic bookshop.

"Grave measures were repeatedly taken with regard to ecclesiastical property.

"Many of the churches closed to public worship were turned over to profane uses. From such an insult not even the Cathedrals of Gniezne, Poznan, Wladislavia and Lodz were spared. Episcopal residences were confiscated, the real estate belonging to the seminaries, convents, diocesan museums, libraries and Church funds were confiscated or sequestered."

I pass now to the third full paragraph on Page 5, a two-line paragraph:

"Even before ecclesiastical property was affected, the allowances to the clergy had been abolished."

Now, reading from Page 6, the fourth full paragraph of the English text:

"The administrative regulations published by the Lieutenant's office for the application of the Ordinance of September 13, 1941 made the situation of the Catholics in that region still more difficult.

"For example, on November 19, 1941 came a decree of the

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Reichslieutenant by which among other things it was set forth that, as from the previous September 13, the property of the former juridical persons of the Roman Catholic Church should pass over to the 'Romischkatholischen Kirche deutscher Nationalist im Reichsgau Wartheland' in so far as, on the request of the above-mentioned 'Religionsgesellschaft' such property shall be recognized by the Reichslieutenant as 'non-Polish property.' In virtue of this decree practically all the goods of the Catholic Church in the 'Warthegau' were lost."

Now I pass to page 7, the second full paragraph:

"If we pass from the 'Warthegau' to the other territories in the east, we unfortunately find there, too, acts and measures against the rights of the Church and of the Catholic faithful, though they vary in gravity and extension from one place to another.

"In the Provinces which were declared annexed to the German Reich and joined up with the Gaue of East Prussia, of Danzig-West Prussia and of Upper Silesia, the situation is very like that described above in regard to Seminaries, the use of the Polish mother-tongue in sacred functions, charitable works, associations of Catholic Action, the separation of the faithful according to nationality. There, too, one must deplore the closing of churches to public worship, the exile, deportation, the violent death of not a few of the Clergy (reduced by two-thirds in the diocese of Culma and by at least a third in the diocese of Katowice), the suppression of religious instruction in the schools, and above all the complete suppression in fact of the Episcopate. Actually, after the Bishop of Culma, who had left during the military operations, had been refused permission to return to his diocese, there followed -- in February 1941 -- the expulsion of the Bishop of Plock and his Auxiliary, who both died later in captivity; the Bishop, the venerable octogenarian Mgr. Julian Anthony Nowowiejski died at Dzialdowo on May 28, 1941, and the Auxiliary, Mgr. Leo Wetmanski, 'in a transit camp' on October 10th of the same year.

"In the territory called the 'Generalgouvernement' as in the Polish provinces which had been occupied by Soviet troops in the period between September 1939 and June 1941, the religious situation is such as to

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cause the Holy See lively apprehension and serious preoccupation. Without pausing to describe the treatment meted out in many cases to the clergy (priests imprisoned, deported and even put to death), the confiscation of ecclesiastical property, the closing of churches, the suppression even of associations and publications of simply and exclusively religious character, the closing of the Catholic secondary and higher schools and of the Catholic University of Lublin, let it suffice to recall two series of specially grave measures: those which affect the Seminaries and those which weigh on the Episcopate.

"When the buildings of the various Seminaries had been completely or in part occupied, the intention for some time (November 1940-February 1941) was to reduce these institutions for the training of priests to two -- those of Cracow and Sandomir; then the others were permitted to reopen, but only on condition that no new students were admitted, which in practice inevitably means that all these institutions will soon be closed."

I skip one paragraph here.

"Mention has several times been made already of ecclesiastics deported or confined in concentration camps. The majority of them were transferred to the Altreich, where their number already exceeds a thousand."

THE PRESIDENT: What was the Altreich?

COLONEL WHEELER: The Altreich is the Old Reich of Germany.

THE PRESIDENT: Yes.

COLONEL WHEELER: "When the Holy See asked that they should be liberated and be permitted to emigrate to neutral countries of Europe or America (1940), the petition was refused; it was only promised that they should all be collected in the concentration camp at Dachau, that they should be dispensed from too hard labor, and that some should be permitted to say Mass, which the others could hear.

"The treatment of the ecclesiastics interned at Dachau, which, for a certain time, in 1941, was in fact somewhat mitigated, worsened again at the end of that year. Particularly sorrowful were the announcements which for many months, in 1942, came from that camp of the frequent deaths of priests, even of some young priests among them."

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I pass by two paragraphs:

"Polish Catholics are not allowed to contract marriage in the territory of the Altreich; just as requests for religious instruction or instruction in preparation for Confession and Holy Communion for the children of these workers are, in principle, not accepted."

What happened to complaints -- even from the Vatican -- as to religious affairs in the overrun territories is disclosed in Document 3266-PS, USA Exhibit 573, which I now offer in evidence. This is a letter from the Cardinal Archbishop of Breslau to the Papal Secretary of State, dated December 7, 1942. It bears a Vatican authentication similar to those already read.

This letter lays at the door of the Party Chancery the responsibility for determining the policy and exercising final authority on religious questions in the occupied territories. I quote from page 1, the first paragraph of this letter, and remind the Court that the Defendant Bormann was at that time Chief of the Nazi Party Chancery, and that the defendant Kaltenbrunner was the chief of the Reichssicherheitshauptamt, the RSHA. I quote from 3266-PS, beginning with the sixth line:

"About some of the gravest injuries inflicted on the Church I not only protested on each occasion as the individual incident occurred, but I also made a most formal protest about them in globo in a document which, as spokesman of all the Hierarchy, I sent to the supreme Ruler of the State and to the Ministries of the Reich on December 10, 1941. Not a word by way of answer has been sent to us.

"Your Eminence knows very well the greatest difficulty in the way of opening negotiations comes from the overruling authority

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which the "National Socialist Party Chancery" exercises in relation to the Chancery of the Reich and to the single Reich Ministries. This Partei-Kanzlei directs the course to be followed by the State, whereas the Ministries and the Chancery of the Reich are obliged and compelled to adjust their decrees to these directions. Besides, there is the fact that the Supreme Office for the Security of the Reich, called the Reichssicherheitshauptamt enjoys an authority which precludes all legal action and all appeals. Under it are the Secret Offices for Public Security, called Geheime Staats-polizei, (a title shortened usually to Gestapo) of which there is one for each Province. Against the decrees of this Central Office and of the Secret Offices there is no appeal through the Courts, and no complaint made to the Ministries has any effect. Not infrequently the Councillors of the Ministries suggest that they have not been able to do as they would wish to, because of the opposition of these Party offices. As far as the executive power is concerned, the organization called the SS, that is Schutzstaffeln der Partei, is in practice supreme.

"On a number of very grave and fundamental issues we have also presented our complaints to the Supreme Leader of the Reich, the Fuehrer. Either no answer is given, or it is apparently edited by the above-mentioned Party Chancery, which does not consider itself bound by the Concordat made with the Holy See."

I now offer in evidence Document Number 3279-PS, USA Exhibit 574. This is an excerpt from Charge Number 17 against the defendant Hans Frank, Governor General of Poland, entitled "Maltreatment and Persecution of the Catholic Clergy in the Western Provinces," submitted by the Polish Government under the terms of Article 21 of the Four-Power Agreement of August 8, 1945. This gives further figures indicating the extent of the persecution of priests. I quote:

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"The extract attached hereto and dealing with the "General Conditions and Results of the Persecution", is taken from the text of Charge 17, page 5, paragraph IV, of the Polish Government against the defendants named in the Indictment before the International Military Tribunal, Subject:"Maltreatment and Persecution of the Catholic Clergy in the Incorporated Western Provinces of Poland". It is a true translation into English of the original Polish.

"It is submitted herewith to the International Military Tribunal in accordance with Article 21 of the Charter of the Court".

Signed: "Dr. Tadeusz Cyprian, Polish Deputy Representative on the United Nations War Crimes Commission in London, signing on behalf of the Polish Government and of the Main Commission for Investigation of German War Crimes in Poland, whose seal I hereby attach".

THE PRESIDENT: I don't think you need read such certificate as that.

COLONEL WHEELER: This is the only one, sir, that I have.

I now read from this extract:

"General Conditions and Results of the Persecution:

"11. The general situation of the clergy in the Archdiocese of Poznan in the Beginning of April 1940 is summarized in the following words of Cardinal Hlond's second report:

"Five priests shot; 27 priests confined in harsh concentration camps at Stutthof and in other camps; 190 priests in prison or in concentration camps at Bruczkow, Chlodowo, Gerusski, Kazimiers, Buskupi, Lad, Lublin and Puszczykowe; 35 priests seriously ill in consequence of ill treatment; 122 parishes entirely left without priests."

"12. In the diocese of Chelmno, where about 650 priests were installed before the war, only 3 percent were allowed to stay, the 97 percent of them were imprisoned, executed or put into concentration camps.

"13. By January 1941 about 700 priests were killed, 3,000 were in prison or concentration camps."

I refer also to Document No. 3268-A-PS, USA Exhibit No. 356, excerpts from the Allocution of Pope Pius XII to the Sacred College, June 2, 1945, which has already been introduced into evidence and read very extensively. I shall not read from that again. This gives some very revealing figures concerning the priests and lay brothers confined in the concentration camp at Dachau.

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The Tribunal will recall, from the previous reading of this document, the imprisonment of 2,800 ecclesiastical and religious in Dachau alone from 1940 to 1945, of whom all but about 800 were dead by April 1945, including an Auxiliary Bishop.

This document presents a forceful summary of the principal steps in the struggle of the Nazi conspirators against the Catholic Church.

In summation, the prosecution submits that the evidence presented to the Court proves that the attempted suppression of the Christian Churches in Germany, Austria, Czechoslovakia, and Poland was an integral part of the Defendants' conspiracy to eliminate internal opposition and otherwise to prepare for and wage aggressive war, and shows the same conspiratorial pattern as their other war crimes against humanity.

COLONEL STOREY: If the Tribunal please, before we present the subject of individual defendants, by agreement with our British colleagues, Mr. Elwyn Jones will now present a brief subject entitled "Aggression as a Basic Nazi Idea". Mr. Elwyn Jones.

MR. ELWYN JONES: May it please the Tribunal, it is now my duty to draw to the Tribunal's attention a document which became the statement of faith of these defendants. I refer to Hitler's Mein Kampf. It is perhaps appropriate that this should be considered at this stage of the trial just before the Prosecution presents to the Tribunal the evidence against the individual defendants under counts 1 and 2 of the Indictment, for this book, Mein Kampf, gave to the defendants adequate foreknowledge of the unlawful aims of the Nazi leadership. It was not only Hitler's political testament; by adoption it became theirs.

This book, Mein Kampf, might be described as the blueprint of the Nazi aggression. Its whole tenor and content enforce the Prosecution's submission that the Nazi pursuit of aggressive designs was no mere accident arising out of the immediate political situation in Europe and the world which existed during the period of Nazi power.

Mein Kampf establishes unequivocally that the use of aggressive war to serve their aims in foreign policy was part of the very creed of the Nazy Party.

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A great German philosopher once said that ideas have hands and feet. It became the deliberate aim of these defendants to see to it that the idea, doctrines, and policies of Mein Kampf should become the active faith and guide for action of the German nation, and particularly of its malleable youth.

As my American colleagues have already submitted to the Tribunal, from 1933 to 1939 an extensive indoctrination in the ideas of Main Kampf was pursued in the schools and universities of Germany, as well as in the Hitler Youth, under the direction of the Defendant Baldur von Schirach, and in the SA and SS, and amongst the German population as a whole, by the agency of the Defendant

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Rosenberg.

A copy of this book Mein Kampf was officially presented to all newly married couples in Germany, and I nowhand to the Tribunal such a wedding present from the Nazis to the newlyweds of Germany. For the purposes of the record it will be Exhibit No. GB-128. The Tribunal will see that the dedication on the fly-leaf of that copy reads: "To the newly married couple, Friedrich Rosebrock and Else Geborene Zum Beck, with best wishes for a happy and blessed marriage. Presented by the Communal Administration on the occasion of their marriage on the 14th of November, 1940. For the Mayor, the Registrar."

The Tribunal will see, at the bottom of the page opposite to the contents page, that that edition of Mein Kampf, which was the 1945 edition, brought the number of copies of Mein Kampf published to 6,250,000. This was the scale upon which this book was distributed. It was blasphemously called "The Bible of the German people."

As a result of the efforts of the defendants and their confederates, this book poisoned a generation and distorted the outlook of a whole people.

As the SS General von dem Bach-Zelewsky indicated yesterday, if you preach for years, as long as ten years, that the Slav peoples are inferior races and that the Jews are subhuman, then it must logically follow that the killing of millions of these human beings is accepted as a natural phenomenon.

From Mein Kampf the way leads directly to the furnaces of Auschwitz and the gas chambers of Maidonek.

What the commandments of Mein Kampf were I shall seek to indicate to the Tribunal by quotations from the book, which are set out in the extracts which I trust are now before the Tribunal, and those extracts are set out in the order in which I shall, with the Tribunal's permission, refer to them.

Now, these quotations fall into two main categories. The first category is that of general expression of Hitler's belief in the necessity of force as the means of solving international problems. The second category is that of Hitler's more explicit declarations on the policy which Germany must pursue.

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Most of the quotations in the second category come from the last three chapters, 13, 14, and 15, of Part II of Mein Kampf, in which Hitler's views on foreign policy were expounded; and the significance of that fact will be realized if the Tribunal looks at the German edition of Mein Kampf, when the Tribunal will observe that Part II of Mein Kampf--the second part of Mein Kampf--was first published in 1927, that is to say, less than two years after the Locarno Pact and within a few months of Germany's entry into the League of Nations. The date of the publication of these passages, therefore, brands them as a repudiation of the policy of international cooperation embarked upon by Streseman, and as a deliberate defiance of the attempt to establish, through the League of Nations, the rule of law in international affairs.

First, I place before the Tribunal some quotations showing the general view held by Hitler and accepted and propagated by the defendants about war and aggression generally. The first quotation, from page 556 of Mein Kampf, reads:

"The soil on which we now live was not a gift bestowed by Heaven on our forefathers. But they had to conquer it by risking their lives. So also in the future our people will not obtain territory, and therewith the means of existence, as a favour from any other people, but will have to win it by the power of a triumphant sword."

On page 145, Hitler revealed his own personal attitude toward war. Of the years of peace before 1914 he wrote:

"Thus I used to think it an ill-deserved stroke of bad luck that I had arrived on this terrestrial globe, and I felt chagrined at the idea that my life would have to run its course along peaceful and orderly lines."

THE PRESIDENT: A little bit slower, please.

MR. ELWYN JONES: I beg your Lordship's pardon.

"As a boy I was anything but a pacifist and all attempts to make me so turned out futile."

Generally, Hitler wrote of war in this way. On page 162 we find:

"In regard to the part played by humane feeling, Moltke stated that in time of war the essential thing is to get a decision as quickly as

possible and that the most ruthless methods of fighting are at the same time the most humane. When people attempt to answer this reasoning by highfalutin talk about aesthetics, etc., only one answer can be given. It is that the vital questions involved in the struggle of a nation for its existence must not be subordinated to any aesthetic considerations."

How faithfully these precepts of ruthlessness were followed by the defendants the Prosecution will prove in the course of this trial.

Hitler's assumption of an inevitable law of struggle for survival is linked up in Chapter II of Book I of Mein Kampf, with the doctrine of Aryan superiority over other races and the right of Germans in virtue of this superiority to dominate and use other peoples for their own ends. The whole of Chapter II of Mein Kampf is dedicated to this master race theory, and, indeed, many of the later speeches of Hitler, his addresses to his generals, etc., were mainly repetitive of Chapter II.

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If the Court will look at the extract from page 256, it reads as follows:

"Had it not been possible for them to employ members of the inferior race which they conquered, the Aryans would never have been in a position to take the first steps on the road which led them to a later type of culture; just as, without the help of certain suitable animals which they were able to tame, they would never have come to the invention of mechanical power, which has subsequently enabled them to do without these beasts.

"For the establishment of superior types of civilization the members of inferior races formed one of the most essential prerequisites."

And in a later passage in Mein Kampf, at page 344, Hitler applies these general ideas to Germany:

"If in its historical development", he writes, "the German people had possessed the unity of herd instinct by which other people have so much benefited, then the German Reich would probably be mistress of the globe to-day. World history would have taken another course, and in this case no man can tell if what many blinded pacifists hope to attain by petitioning, whining and crying may not have been reached in this way; namely, a peace which would not be based upon the waving of olive branches and tearful misery-mongering of pacifist old women, but a peace that would be guaranteed by the triumphant sword of a people endowed with the power to master the world and administer it in the service of a higher civilization."

In these passages which I have quoted, the Tribunal will have noticed Hitler's love of war and scorn of those whom he described as pacifists. The underlying message of the whole of this book, which appears again and again, is, firstly, that the struggle for existence requires the organization and use of force; secondly, that the Aryan-German is superior to other races and has the right to conquer and rule them; thirdly, that all doctrines which preach peaceable solutions of inter-national problems represent a disastrous weakness in a nation that adopts them.

Implicit in the whole of the argument is a fundamental and arrogant denial of the possibility of any rule of law in international affairs.

It is in the light of the general doctrines of Mein Kampf that I invite the Tribunal to consider the more definite passages in which Hitler deals with specific problems of German foreign policy.

The very first page of the books contains a remarkable forecast of Nazi

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policy. It reads -- page 1, column 1:

"German-Austria must be restored to the great German Motherland. And not, indeed, on any grounds of economic calculation whatsoever. No, no. Even if the union were a matter of economic indifference, and even if it were to be disadvantageous from the economic standpoint, still it ought to take place. People of the same blood should be in the same Reich. The German people will have no right to engage in a colonial policy until they shall have brought all their children together in one State. When the territory of the Reich embraces all the Germans and finds itself unable to assure them a livelihood, only then can the moral right arise, from the need of the people, to acquire foreign territory. The plough is then the sword; and the tears of war will produce the daily bread for the gernations to come."

Hitler, in this book, also roundly declares that the mere restoration of Germany's frontiers as they were in 1941 would be wholly insufficient for his purposes. At page 553 he writes:

"In regard to this point I should like to make the following statement: To demand that the 1914 frontiers should be restored is a glaring political absurdity that is fraught with such consequences as to make the claim itself appear criminal. The confines of the Reich as they existed in 1914 were thoroughly illogical; because they were not really complete, in the sense of including all the members

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of the German nation. Nor were they reasonable, in view of the geographical exigencies of military defence. They were not the consequence of a political plan which had been well considered and carried out, but they were temporary frontiers established in virtue of a political struggle that had not been brought to a finish; and indeed, they were partly the chance result of circumstances."

In further elaboration of Nazi policy, Hitler does not merely denounce the Treaty of Versailles, he desires to see a Germany which is a world power with territory sufficient for a future German people, of a magnitutude which he does not define.

In the next quotation, from page 554, the first sentence reads, "For the future of the German nation the 1914 frontiers are of no significance." And in the third paragraph the Court sees:

"We National Socialists must stick firmly to the aim that we have set for our foreign policy, namely, that the German people must be assured the territorial area which is necessary for it to exist on this earth. And only for such action as is undertaken to secure those ends can it be lawful in the eyes of God and our German posterity to allow the blood of our people to be shed once again. Before God, because we are sent into this world with the commission to struggle for our daily bread, as creatures to whom nothing is donated and who must be able to win and hold their position as lord of the earth only through their own intelligence and courage.

"And this justification must be established also before our German posterity, on the grounds that for each one who has shed his blood the life of a thousand others will be guaranteed to posterity. The territory on which one day our German peasants will be able to bring forth and nourish their sturdy sons will justify the blood of the sons of the peasants that has to be shed today. And the statesmen who will have decreed this sacrifice may

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be persecuted by their contemporaries, but posterity will absolve them from all guilt for having demanded this offering from their people."

Then, the next quotation. Hitler writes, at page 557:

"Germany will either become a world power or will not continue to exist at all. But in order to become a world power, it needs that territorial magnitude which gives it the necessary importance today and assures the existence of its citizens."

And finally, he writes:

"We must take our stand on the principles already mentioned in regard to foreign policy, namely, the necessity of bringing our territorial area into just proportion with the number of our population. From the past we can learn only one lesson, and that is that the aim which is to be pursued in our political conduct must be twofold, namely: (1) the acquisition of territory as the objective of our foreign policy and (2) the establishment of a new and uniform foundation as the objective of our political activities at home, in accordance with our doctrine of nationhood."

Now, these passages from "Mein Kampf" raise the question, where did Hitler expect to find the increased territory beyond the 1941 boundaries of Germany? To this Hitler's answer is sufficiently explicit. Reviewing the history of the German Empire from 1871 to 1918, he wrote, in an early passage of "Mein Kampf," at page 132:

"Therefore, the only possibility which Germany had of carrying a sound territorial policy into effect was that of acquiring new territory in Europe itself. Colonies cannot serve this purpose so long as they are not suited for settlement by Europeans on a large scale. In the nineteenth century it was no longer possible to acquire such colonies by peaceful means. Therefore, any attempt at such a colonial expansion would have meant an enormous military struggle. Consequently it would have

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been more practical to undertake that military struggle for new territory in Europe, rather than to wage war for the acquisition of possessions abroad.

"Such a decision naturally demanded that the nation's undivided energies should be devoted to it.

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A policy of that kind, which requires for its fulfilment every ounce of available energy on the part of everybody concerned, cannot be carried into effect by half measures or in a hesitant manner. The political leadership of the German Empire should then have been directed exclusively to this goal. No political step should have been taken in response to other considerations than this task and the means of accomplishing it. Germany should have been alive to the fact that such a goal could have been reached only by war, and the prospect of war should have been faced with calm and collected determination.

"The whole system of alliances should have been envisaged and valued from that standpoint."

And then, this is the vital sentence:

"If new territory were to be acquired in Europe it must have been mainly at Russia's cost, and once again the new German Empire should have set out on its march along the same road as was formerly trodden by the Teutonic Knights, this time to acquire soil for the German plough by means of the German sword and thus provide the nation with its daily bread."

To this program of expansion in the East Hitler returned again, at the end of Mein Kampf. After discussing the insufficiency of Germany's pre-war frontiers, he again points the path to the East and declares that the Drang nach Osten, the drive to the East, must be resumed; and he writes:

"Therefore we National Socialists have purposely drawn a line through the line of conduct followed by pre-war Germany in foreign policy. We put an end to the perpetual Germanic march towards the South and West of Europe and turn our eyes towards the lands of the East. We finally put a stop to the colonial and trade policy of pre-war times and pass over to the territorial policy of the future.

"But when we speak of new territory in Europe today we must principally think of Russia and the border states subject to her."

Now, Hitler was shrewd enough to see that his aggressive designs in the East might be endangered by a defensive alliance between Russia, France and perhaps England. His foreign policy, as outlined in MEIN KAMPF,

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was to detach England and Italy from France and Russia and to change the attitude of Germany towards France from the defensive to the offensive.

And the final quotation from Mein Kampf comes from page 570:

"As long as the eternal conflict between France and Germany is waged only in the form of a German defence against the French attack, that conflict can never be decided, and from century to century Germany will lose one position after another. If we study the changes that have taken place, from the twelfth century up to our day, in the frontiers within which the German language is spoken, we can hardly hope for a successful issue to result from the acceptance and development of a line of conduct which has hitherto been so detrimental for us.

Only when the Germans have taken all this fully into account will they cease from allowing the national will-to-live to wear itself out in merely passive defence; but they will rally together for a last decisive contest with France. And in this contest the essential objective of the German nation will be fought for. Only then will it be possible to put an end to the eternal Franco-German conflict which has hitherto proved so sterile.

Of course it is here presumed that Germany sees in the suppression of France nothing more than a means which will make it possible for our people finally to expand in another quarter. Today there are eighty million Germans in Europe. And our foreign policy will be recognized as rightly conducted only when, after barely a hundred years, there will be 250 million Germans living on this Continent, not packed together as the coolies in the factories of another Continent but as tillers of the soil and workers whose labour will be a mutual assurance for their existence."

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I submit, therefore, that quite apart from the evidence already submitted to the Tribunal, the evidence of MEIN KAMPF, taken in conjunction with the facts of Nazi Germany's subsequent behaviour towards other countries, goes to show that from the very first moment that they attained power, and indeed long before that time, Hitler and his confederates the defendants were engaged in planning and preparing aggressive war as is alleged against them in this Indictment.

Events have proved, in the blood and misery of millions of men, women, and children, that MEIN KAMPF was no mere literary exercise to be treated with easy indifference, as unfortunately it was treated before the war by those who were imperilled, but was the expression of a fanatical faith in force and fraud as the means to Nazi dominance in Europe, if not in the whole world. The Prosecution's submission is that, accepting and propagating the jungle philosophy of Mein Kampf, the Nazi confederates who are indicted here deliberately pushed our civilization over the precipice of war.

THE PRESIDENT: The Tribunal will now adjourn for ten minutes.

(A recess was taken from 1135 hours to 1150 hours.)

SIR DAVID MAXWELL FYFE: May it please the Tribunal, the next stage of the Prosecution is the presentation of the cases against the individual defendants under Counts 1 and 2 of the Indictment. Before that is begun the Chief Prosecutors for the United States and Great Britain wish, with the permission of the Tribunal, to make four points perfectly clear:-

The object of this part of the case is to collect, for the benefit first of the members of the Tribunal, and secondly, of the Defense Counsel concerned, the evidence against each defendant under Counts 1 and 2 which has been presented by the British and American delegations. Otherwise it would be easy among the many documents already before the Court to miss relevant pieces of evidence which the Tribunal might wish to consider and to which the defendants may wish to make a reply.

This does not mean that the case against these defendants has in any way ended. Vital and important parts of the case remain concerning the actual atrocities, both war crimes and crimes against humanity. The evidence in regard to these will shortly be presented by the French Delegation and the Delegation of the Union of Soviet Socialist Republics, and when the massive

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documentation of these crimes is placed before the Court, the French and Soviet Delegations will have the opportunity of relating them to the individual defendants in the Dock.

It has been the desire of all the Chief Prosecutors to delimit as clearly as possible the evidence under the respective counts of the Indictment. The documents in evidence, however, were not written with a view to this trial, and therefore many of them inevitably deal with offenses under more than one count. It is by reason of this alone that some over-lapping and repetition necessarily exists.

Similarly, it may well occur that as the French and Soviet cases are developed, documents may come to light which bear on the common plan of conspiracy, or the initiation of wars of aggression or other material connected with Counts 1 and 2. The American and British Delegations will welcome any addition to the evidence on these parts of the case, which such documents may provide, and gladly receive such reinforcement from their French and Soviet colleagues.

With this explanation I am very grateful to the Tribunal for allowing me to make it. I call on my friend Mr. Albrecht to commence this part of the case.

DR. THOMA (Counsel for Rosenberg): Colonel Wheeler in his prosecution speech talked about churches and the persecution in the Eastern Provinces, and the Reichminister for the Occupied Countries, the defendant Rosenberg, was mentioned and made responsible. I have neither from the speech of the Prosecutor nor from the documents seen proof that, as to the affairs administered by Rosenberg, the persecutions in the charges actually took place I ask to direct the attention of the Tribunal to Document 1517, in which there is an official notice signed by Rosenberg covering a conversation dealing with the Eastern question, and this document contains a statement by Rosenberg that the Fuehrer agrees with the tolerant edict of Rosenberg.

THE PRESIDENT: Do I understand that you are making a motion at this stage?

DR. THOMA: I have a request as to the Prosecution: Perhaps the effect of the accusation against Rosenberg has been to validate and substantiate it subsequently.

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THE PRESIDENT: Is your point that this Document 1517-PS has not yet been in, or what is your point?

DR. THOMA: To my knowledge this document has been submitted in connection with the opinion by Hitler that the Crimea was to be cleaned up completely; but in my present request I am concerned with the fact the Prosecution affirmed that in the General Government of Poland, in the Corridor, and in the Eastern countries, and in the areas administered by Rosenberg church persecution actually took place. The Prosecution had its proof for the first three points, but as far as the last point is concerned, I have no proof either in the document book or in the personal speeches made by the Prosecution.

THE PRESIDENT: Well, you must understand that the Tribunal are not at this stage accepting everything that has been said by the Prosecution. You will have full opportunity when you present the case on behalf of the defendant Rosenberg to present any documents which may be relevant, and to comment upon any documents which have been cited by the Prosecution, and to make any argument that you think right; but this is not the appropriate time to make any such argument. We are still considering the case for the Prosecution, and you will have full opportunity hereafter. Do you understand?

DR. THOMA: I ask the High Tribunal to consider my present statement as nothing but a statement.

THE PRESIDENT: We will do so, but it is not convenient for counsel for the defense to intervene with statements of this sort; otherwise they might be doing it all the time, each one of the defendants counsel. We must ask you therefore to withhold such statements until your time comes to answer the case for the Prosecution.

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MR. ALBRECHT: May it please the Tribunal, I have been charged by the Chief of Counsel for the United States with the duty of pointing out, on the basis of evidence already admitted and of additional evidence that will be offered, the individual responsibility of these defendants for the crimes specified in counts I and II of the Indictment.

When these defendants chose to abandon everything that had been recognized as good in German life, and affirmatively participated in the work of achieving the objectives of the arty, we submit that they well knew what National Socialism stood for. They knew of the Program announced by the Nazi Party and they also had knowledge of Nazi methods. The official NSDAP program with its 25 points was open and notorious. Announced and published to the world in 1920, it was published and re-published and adverted to throughout the years. The Nazis made no secret of their intentions to make the Party program the fundamental law of the German State. The Nazis made no secret of their intentions generally. For all to read there was "Mein Kampf", the product of the warped brain of the Fuehrer, and there were the prolific writings and utterances of many other leaders who rose to prominence, some of whom are now sitting in the defendants' box. And Hitler himself had announced that the Nazis would use force if necessary to achieve their purposes.

Among these conspirators there were those who, like the defendants Hess, Rosenberg and Goering, were associated with Hitler since the very inception of the conspiracy. These men were among the original planners. They were the men who subsequently set the pace and cast the mold for the future. But there were also other conspirators, (the balance of the defendants in the dock fit into this category), who - voluntarily - joined the conspiracy later.

While these men may be characterized perhaps as callous, cruel or inhuman, they certainly may not be called dull or stupid. They knew, and had had the opportunity to observe, the manifestations of Nazi violence and Nazi methods as the pattern of the Swastika developed. They knewthe nature of what they were getting into. Therefore they must be presumed to have had the desire to participate (and participate they

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did) voluntarily, and so we submit that it may not validly be inferred that they did not join the stream of the conspiracy with their eyes open, with scienter, as the conspiracy gathered momentum and developed into a rushing torrent.

Much evidence already has been admitted by the Tribunal of the overt acts of these defendants, as well as of their fellow conspirators. We shall make no effort at this time to present an exhaustive recital of all crimes. Planned or initiated by these defendants, for which they must bear full responsibility beyond peradventure of doubt. The world already knows more of the evil deeds of these men and of their co-conspirators than the prosecution possibly could hope to establish within the reasonable limits of time and of men's patience. At this point we shall attempt to focus attention merely to illustrative criminal conduct of the individual conspirators.

There is an advantage in proceeding, we submit, as we propose to do, with the permission of the Tribunal, to show in outline the extent to which these defendants have become implicated in the serious charges against them. In the case of many of these conspirators, a recital of all their crimes will relate to several of the categories of crimes described in Counts I and II of the Indictment. We shall draw these various threads together and show, asI have said, the outline of the completed proof, as it were, within Counts I of the Indictment, against the individual conspirators.

Thus, on behalf of the United States I shall commence to show how some of these defendants fit into the broad stream of the common plan or conspiracy to wage aggressive war, and the extent of their individual responsibility for their acts in pursuance of that conspiracy.

First of all, we mention the late ROBERT LEY who, by recourse to self-

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destruction, has escaped all punishment for his participation in the conspiracy.

Next we mention GUSTAV KRUPP von BOHLEN und HALBACH, the action against whom has been severed from this proceeding.

Nevertheless, it should be noted that documentary proof has been offered and will be offered in support of the allegations of the Indictment that implicate both Ley and Krupp as co-conspirators for whose crimes the remaining defendants also must accept responsibility.

We next consider the defendant FRITZ SAUCKEL. The case against Sauckel has been completely stated and supported by a wealth of damning evidence, by my learned colleague Mr. Dodd, in his presentation of the case on slave labor. We submit that it is unnecessary to add anything further to the case against Sauckel to demonstrate how completely he filled his place in the stream of the conspiracy.

The next defendant to be considered is ALBERT SPEER. Like his fellow conspirator Sauckel, Speer is deeply implicated as a member of the conspiracy and much of the case against him has been presented by Mr. Dodd in his presentation of the case on slave labor. But unlike Sauckel, Speer's criminal activity went substantially beyond the realm of slave labor. His was one of the master minds in the plan for the systematic robbery and despoliation of the lands overrun by the German war machine. Documentary proof of Speer's participation in the spoliation practices in the countries of Western Europe, as well as in the Eastern territories occupied by them, will be presented subsequently by our learned colleagues, the Chief Prosecutor representing the Soviet Union and by the Chief French Prosecutor, under the remaining counts of the Indictment.

That is essentially the case that proves Speer to have been a member of the conspiracy.

There is, however, one additional exhibit that I would like to offer into evidence at this time. It was received only a few days ago from the

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Ministerial Document Center at Kassel, and, it is the dossier maintained on the defendant Speer in the office of the Reichsfuehrer SS. I offer this file as USA Exhibit 575. It is our document 3568, and I shall read from the dossier,

THE PRESIDENT: 3568-PS?

MR. ALBRECHT: Yes, sir, if your Honor please.

THE TRIBUNAL (Mr. Biddle): What book is it in?

MR. ALBRECHT: Volume three, your Honor. It is volume three, if it may please the Court, of Document Books DD.

THE PRESIDENT: Yes.

MR. ALBRECHT: I shall read from the letter dated the 25th of July 1942, from the second paragraph:

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"Reich Minister Speer was enrolled as an SS man onthe personal staff of the Reich Fuehrer SS under SS No. 46104, with effect from the 20th of July 1942, by order of the Reich Fuehrer SS" and I think that is all I need to read from that letter. But I should like to call the Tribunal's attention to the annexed document, which is a questionnaire, and right at the beginning of the sae it is related that Albert Speer was in the SS since the Autumn of 1932. He was in the SA from March 1, 1931, until autumn 1932, and that his membership number in the Party was 474481.

I next mention the Defendant Ernst Kaltenbrunner, whose case has been completely presented in connection with the presentation onthe Gestapo and the SD as criminal organizations. We submit that further proof is not needed to prove how completely this enemy of his own fatherland, Austria, had been carried along in the stream of the conspiracy.

We pass then to the case of, perhaps, the most important conspirator on trial before this Tribuna; the number two Nazi - the Nazi who stood next to the Fuhrer himself; the Nazi who was in some respects even more dangerous than the Fuhrer and other leading Party leaders.

We say that he was more dangerous because unlike many leading Nazis, including Hitler, - who were morally and socially on the fringes of society before the Nazi Party rode to success in 1933, - this conspirator was known to come of substantial family which had furnished officers to the army and important civil servants to the country in the past. Moreover he was possessed of substantial appearance, an ingratiating manner, a certain affability. But all of these facets of character were but deceptions, because they helped to conceal the man's core of steel, his vindictiveness, his cruelty, his lust for self-adornment, self-glorification and power.

This man was most dangerous, furthermore, because the outward characteristics to which I have called attention and which he has to some extent demonstated here in the presence of the Tribunal, were useful in deceiving the representatives of foreign states who, in their concern, sought to learn from him the true intentions of the Nazi State which, by its repeated flouting of its international commitments, had so seriously disturbed the tranquility of the world since 1933.

And I think that the record should show how, throughout the earlier stages of this trial, that is, before the nature of the documentary evidence

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offered by the prosecution became too grim and almost implausible, much of the benevolence of this conspirator, his ever-ready smile and ingratiating manner, were daily in evidence in this chamber. His ready affirmation, by a pleasant nod for all to see, of the correctness of statements made or the contents of documents offered by counsel, his chiding shake of the head when he disagreed with such facts, were commonplace.

THE PRESIDENT: I don't think the Tribunal is interested in this.

MR. ALBRECHT: I shall pass on, the n, with the presentation, with the permission of the Tribunal, and I shall give an account of certain facts already established by the documents in evidence; and with the permission of the Tribunal I shall not, unless it is so wished, refer to the exhibit numbers or citations of most of the old evidence that I shall allude to.

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Against the background of this factual account, into which we have drawn the main threads of the case already presented that show the complicity of the defendant Goering, we shall offer certain additional documentary evidence which we believe necessary to demonstrate Goering's connection with and responsibility for certain phases of the conspiracy.

I should have said before, if your Honors please, that there has been distributed and is now before you three volumes of document books bearing the heading "DD," which contain substantially all the documents, new as well as old, bearing on the individual responsibility of thi s defendant.

THE PRESIDENT: Did you say they ought to be marked "DD"?

MR. ALBRECHT: I said, "It is so understood", if your Honors please.

THE PRESIDENT: Very well.

MR. ALBRECHT: We shall first deal with the individual responsibility of this conspirator for crimes against peace. These crimes include Goering's participation in the acquisition and consolidation of power in Germany, the economic and military preparations for war and the waging of aggressive war.

For more than two decades Goring's activities extended over nearly every phase of the conspiracy. He was one of the conspirators associated with Hitler from the very beginning. A member of the Party since 1922, he participated in the Munich Putsch of November 1923 at the head of the SA, a Nazi organization shown to have been committed to the use of violence.

Göring fled the country after the Putsch in order to escape arrest. After his return, he became more than a commander of street fighters. He was designated Hitler's first political assistant. A measure of the man may be gleaned from an exhibit already in evidence, namely, Gritzbach's official biography of Göring, in which are recorded his dealings with the Bruening Government, his attempts to break down the barrier around President von Hindenburg, and his coup as Reichstag President in September 1932 in procuring a vote of no confidence against the von Papen government just before the Reichstag was dissolved.

Göring's writings show him not to be backward in taking credit for

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for his efforts to advance the cause of the Party. Full credit has also been accorded him by Hitler, and Göring has boasted that no title and no decoration could make him so proud as the designation given to him by the German people and I quote "the most faithful paladin of our Führer". That short quotation, may it please the Court, comes from our U.S.A. Exhibit 233, our Document 3251-PS.

With the advent of the Nazis to power in January 1933 Göring became Acting Minister of the Interior and Prime Minister of Prussia. In these capacities he proceeded promptly to establish a regime of terror in Prussia designed to suppress all opposition to the Nazi program.

His chief tool in that connection was the Prussian Police which remained under his jurisdiction until 1936. As early as February 1933 he directed the entire police force to render unqualified assistance to the para-military organizations supporting the new Government, such as the SA and the SS, and to crush all political opponents with firearms, if necessary, and regardless of the consequences. The Tribunal will take judicial notice of the Directives of 10 and 17 February 1933, which are cited on page seven of our brief and which appear in that collection of decrees known as Ministerialblatt Preussische Innere Verwaltung of 1933.

Göring has frequently and proudly acknowledged his personal responsibility for the crimes committed pursuant to orders of this character, and I recall his words which he uttered before thousands of His fellow Germans:

> "....each bullet which leaves the barrel of a police pistol now is my bullet. If one calls this murder, then I have murdered; I ordered all this, I back it up. I assume the responsibility, and I am not afraid to do so".

That quotation, may it please the Tribunal, comes from our Exhibit U.S.A. 233, already in evidence.

Soon after he became Prime Minister of Prussia, in pursuance of the conspiracy, Göring began to develop the Gestapo or Secret State Police, the

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details of which organization of terror were presented to the Court by my learned colleague, Colonel Storey. As early as 26 April 1933 he signed the first law officially establishing the Gestapo in Prussia; and pursuant to a decree which he signed, he named himself as Prime Minister, Chief of the Prussian Secret State Police.

Göring was undoubtedly an efficient conspirator. He was impatient to consolidate the power of the Party at home. Already in Spring 1933 the concentration camps were established in Prussia. Men and women so-called "Marxists", and other political opponents, taken into custody by the Gestapo, were thrown into concentration camps without trial.. Göring said, "Against the enemies of the State we must proceed ruthlessly." That statement appears in our document 2344-PS, which is already in evidence as U.S.A. Exhibit 233.

The range of political terrorism under his leadership was almost limitless. A glance at a few of his police

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directives in those early days will indicate the extent and thoroughness with which every dissident voice was silenced. I ask the Tribunal to take judicial notice of some of these decrees in the same collection I mentioned a short while ago, entitled Ministerialblatt Preussische Innere Verwaltung, and we have cited these decrees on pages 9 and 10 of our brief. These include:

(a) Directive of 22 June 1933, which required all officials to watch the statements of civil servants and to denounce to the Defendant Goering those who made critical remarks. The failure to make such reports was to be regarded as proof of hostile attitude. Then there was the directive of 23 June 1933, which suppressed all activities of the Social Democratic Party, including meetings and the Party Press, and ordered the confiscation of its property. There was the directive of 30 June 1933, which directed the Gestapo authorities to report to the Labor Trustees on the political attitude of the workers. There was the directive of 15 January 1934, which ordered the Gestapo and the frontier police to keep track of emigres, particularly political emigres and Jews residing in neighbouring countries, and to arrest them and put them in concentration camps if they returned to Germany.

The essential ruthlessness of Goering is further illustrated by a well-known bloody episode. After the elimination of forces of the opposition, the Nazis felt it necessary to dispose of nonconformists within their own ranks. This they accomplished in what has become known as the Roehm purge of 30 June, 1934. The Defendant Frick, a chief conspirator in his own right, stated in that connection, in an affidavit, that many people were murdered who had nothing to do with the internal SA revolt, but who were "just not liked very well."

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Goering's role in this sordid affair was related less than two weeks after the event by Hitler in a speech to the Reichstag, and I would like to offer in evidence as USA Exhibit 576 our document 3442-PS, in which is contained the speech of Hitler, made on the 13th of July, 1934, in the Reichstag. It is published in "Das Archiv," Vol. 4-6, at page 505. I quote.

"Meanwhile Minister-President Goering had already received my instructions that in case of a purge he was to take analagous measures at once in Berlin and in Prussia. With an iron fist he beat down the attack on the National Socialist State before it could develop."

With the accession of the Nazis to power, Goering at once assumed a number of the highest and most influential positions also in the Reich. The proof already presented on the composition and functions of the Reich Cabinet, and of the offices held by Goering, shows him to have been, in fact, the most important executive of the Nazi State.

A member of the Reichstag since 1928, and its President since 1932, he was a member of the Cabinet from the beginning as Reich Minister without portfolio. Shortly thereafter, he received the portfolio as Reich Minister for Air. When, in an early meeting, the Cabinet discussed the pending Enabling Act, which gave the Cabinet plenary powers of legislation, he offered the suggestion that the required two-thirds majority might be obtained simply by refusing admittance to Social Democratic delegates. I offer in evidence, as USA Exhibit 578, our document 2962-PS, which contains the minutes of that meeting. If your Honors will note, that meeting was held on the 15th of March, 1933, and there were present, besides the Defendant Goering, the Defendants von Papen, von Neurath, Frick and Funk. I read from page 6 of that document.

"Reich Minister Goering expressed his conviction that the Enabling Act would be passed with the necessary two-thirds majority.

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Possibly a majority could be obtained by banishing several Social Democrats from the hall. Possibly the Social Democrats would even refrain from voting on the Enabling Act."

In 1935, with the unmasking of a secret Luftwaffe, Goering became its Commander-in-Chief. He sat as a member and the Fuehrer's Deputy on the Reich Defense Council, established by the secret law of the 21st of May, 1933. The purpose of that Council was, as stated by the Defendant Frick, in an affidavit that is in evidence--and I quote:

"To plan preparations and decrees in case of war which later on were published by the Ministerial Council for the Defense of the Reich."

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His assumption of ever greater responsibility seemed limitless. In 1936 Goering was made Plenipotentiary for the Four Year Plan, whereby he acquired plenary legislative and administrative powers over all German economic life. In 1938 he became a member of the Secret Cabinet Council, which had been established to act as "an advisory board in the direction of foreign policy."

The Ministerial Council for the Defense of the Reich, created in 1939, took over, in effect, all of the legislative powers of the Cabinet, which had not been reserved otherwise, and Goering became its Chairman.

His efficient and ruthless services were recognized by Hitler in 1939, when he designated Goering as his successor, as heir apparent to the "New Order".

In April, 1936, Goering was appointed Coordinator for Raw Materials and Foreign Exchange and empowered to supervise all State and Party activities in these fields. I offer in support of that fact as U.S.A. Exhibit 577, our Document 2827, which is an excerpt from "Ruehle, Das Dritte Reich." I read from the fourth paragraph of the excerpt, if your Honor please, which is an excerpt from a decree signed by Hitler, and it reads as follows:

"Prime Minister Col. General Goering will take the measures necessary for the accomplishment of the tasksgiven to him, and has the authority to issue decrees and general administrative directives. He, for this purpose, is authorized to question and issue directives to all authorities, including the highest Reich authorities, and all agencies of the Party, its formations and attached organizations."

In this capacity Goering convened the War Minister, the Defendant Schacht, as Minister of Economics, and President of the Reichsbank, and the Finance Minister for the Reich, and State of Prussia, to discuss inter-agency problems, connected with war mobilization. At a meeting of this group on the 12th of May, 1936, when the question of the prohibitive cost of synthetic raw material substitutes arose, Goering decided:

"If we have war tomorrow we must help ourselves by substitutes. Then money will not play any role at all. If that is the case, then we must be ready to create the prerequisites for that, in peace."

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A few days later, on the 27th of May, 1936, at a meeting of the same group, Goering opposed any limitations dictated by orthodox financial policies. He said that "all measures are to be considered from the standpoint of an assured waging of war."

The well-known Four Year Plan was proclaimed by Hitler at the 1936 Nurnberg Party Day. Goering was appointed Plenipotentiary in charge of the program, which was intended to achieve national self-sufficiency. Furthermore, Goering commented in 1936 that his chief task as Plenipotentiary was "to put the whole economy on a war footing within four years." I would like to offer into evidence as U.S.A. Exhibit 579, our Document EC 408, so that I may direct the Tribunal's attention to a memorandum, dated the 30th of December, 1936, of the Defense Division of the Wehrmacht, entitled "Memorandum

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on the Four Year Plan and Preparation of the War Economy" and in the third paragraph of the translation or at page 2, in the middle of paragraph numbered 3 in the German original, there is the statement registered in the protocol, in the memorandum, that:

"Minister President Colonel General Goering, as Commissioner for the Four Year Plan, by authority of the Fuehrer and Reich Chancellor, granted 18 of October, 1936.

"As regards the war economy, Minister President Colonel General Goering sees it as his task 'within four years to put the entire economy in a state of readiness for war.'"

The Exhibit from which I have just read, is of interest because of another document that has just been brought to the attention of the prosecution. It is a note for the files, dated 2 December, 1936, written in longhand, on the letterhead of "Prime Minister Colonel General Goering" and is in the handwriting of Colonel Bodenschatz, Goering's Chief of Staff. I offer this memorandum as U.S.A. Exhibit 580. It is our Document 3474-PS, and I direct the Tribunal's attention to the fact that the date of this document is the second of December, 1936. That was a conference, apparently at which all the chief officers and generals of the Air Force, German Air Force met. Besides the Defendant Goering, there was General Milch, General Kesselring, Ruedel, Stumpf, Christiansen, and all the top commanders of the Air Force and I read:

"World press excited about the landing of 5000 German volunteers in Spain. Official complaint by Great Britain; she takes up connection with France.

"Italy suggests that Germany and Italy send, each, one division ground troops to Spain. It is, however, necessary that Italy, as interested Mediterranean power, issues a political declaration first. A decision can only be expected in a few days.

"The general situation is very serious. Russia wants the war. England rearms speedily. Command therefore: beginning today höchste Einsatzbereitschaft --."

Apparently the translatore did not see fit to translate that word, which means the "highest degree of readiness, regardless of financial difficulties. Goering takes over full responsibility.

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"Ruhe until 1941 is desirable." I am afraid here again the translator did not translate "ruhe", which means "peace" -- "absolute quiet until 1941 is desirable. However, we cannot know whether there will be implications before. We are already in a state of war. It is only that no shot is being fired so far."

THE PRESIDENT: Perhaps that would be a convenient time to break off.

(Whereupon at 12:45 p.m. the Tribunal recessed until 2:00 o'clock of the same day.)

H0031-0050

Official Transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al., Defendants, sitting at Nurnberg, Germany, on 8 January 1946, 1400 to 1700 hours, Lord Justice Lawrence, presiding.

MR. ALBRECH: May it please the Tribunal, two important conferences which have already been adverted to by the Prosecution, show clearly how Goering inspired and directed the preparation of the German economy for aggressive war. On 8 July 1938 he addressed a number of the leading German aircraft manufacturers and laid the groundwork for a vast increase in aircraft production. He stated that war with Czechoslovakia was imminent and boasted that the German Air Force was already superior in quality and quantity to the English. He said that "if Germany wins the war, she will be the greatest power in the world, dominating the world market, and Germany will be a rich nation. For this goal, risks must be taken." That quotation, may it please the Court, is taken from R-140, USA Exhibit 160.

A few weeks after the Munich Agreement, on 14 October 1938, at another conference held in Goering's office, he made the statement that Hitler had instructed him to organize a gigantic armament program which would make insignificant all previous achievement. He indicated that he had been ordered to build as rapidly as possible an air force five times as large, to increase the speed of Army and Navy rearmament, and to concentrate on offensive weapons, principally heavy artillery and heavy tanks; and at that meeting he proposed a specific program designated to accomplish those ends. That is a short summary of facts which appear in USA Exhibit 123, already in evidence, our Document 1301-PS.

In his dual role as Reich Air Ministery and Commander-in-Chief of the German Air Force, it was Goering's function to develop the Luftwaffe to practical war strength. As early as 10 March 1935, in an interview with the correspondence of the London Daily Mail the mask of hypocrisy was

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removed and Goering frankly announced to the world that he was in the process of building a true military air force.

Two months later, in a speech to one thousand Air Force officers, Goering spoke in a still bolder vein. I offer in evidence from USA Exhibit 437, 3441-PS, which is Goering, Reden und Aufsätze, another excerpt that has not yet been read in evidence, from page 242: Goering said: "I repeat: I intend to create a Luftwaffe which, if the hour should strike, shall burst upon the foe like a chorus of revenge. The enemy must have the feeling of being beat already before even having fought...."

In the same year, on 16 March 1935, he signed his name to the Conscription Law which provided for compulsory military service and constituted an act of defiance on the part of Nazi Germany in violation of the Versailles Treaty. The Tribunal will take judicial notice of that decree, which is our Document 1654-PS, from which I shall not read, with the permission of the Tribunal, the Law for the Organization of the Armed Forces, and is cited in 1935 Reichsgesetzblatt, Part I, p. 369.

As is demonstrated by the affidavit of Ambassador Messersmith already in evidence, Goering's statements during this period left no doubt in the minds of Allied diplomats that Germany was engaged in full mobilization of air power for an impending war.

Goering was in fact the central figure in German preparation for military aggression. In German economic development too he held the key positions throughout the pre-war period. Although he held no official position in the field of foreign affairs, as the No. 2 Nazi, history records, that he was prominent in all major phases of Nazi aggression between 1937 and 1941.

In the Austrian affair, Goering was the prompter and director of the diplomatic "tragicomedy" enacted before a shocked but silent world.

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The Tribunal is fully familiar with Goering's complicity in the aggression against Austria. However, some additional documents have now come to our notice that show Goering not alone participated actively, but may even have been in direct charge of the German plan to bring about the Austrian Anschluss. I will offer the first of these documents, our Document 3473-PS, as USA Exhibit 581. I shall not read from that exhibit, if your Honors please, but I would like to call the attention of the Tribunal to the letter from Keppler, who was one of Goering's agents, addressed to the Defendant Goering. It is dated 6 January 1938. From its context it would seem that a valid inference can be drawn that Goering was already active in the Austrian matter in 1937. Our prior evidence brought him into the picture much later. The prosecution believes it to be of great significance as it shows that the defendant Seyss-Inquart actually had Goering's mandate to carry out the orders of the Nazi conspirators in Vienna. The document itself will be read and discussed in the presentation of the case showing the individual responsibility of the defendant Seyss-Inquart; and I shall not take the time of the Tribunal at this time.

The second document, I wish to introduce as USA Exhibit 582, our Document 3472-PS. This exhibit would seem to show that the conspirators attempted to create the impression that the Anschluss, when it took place, was achieved by "legal" means. The command apparently was given to members of the NSDAP in Austria to keep "hands off" in order to permit the deviltry to be worked out by the official Reich agencies, i.e. the defendant Goering and presumably the defendant von Papen, by direct contact with the Austrian officials.

I read from that document:

"Yesterday, information reached me to the effect, that Landesleiter Leopold" -- and may I advert for the moment to point out that the word "Landesleiter" is the title of the Leader of the Nazi Community in Austria - "also on his part has started negotiations with Chancellor Schuschnigg. Thereupon I have asked the Foreign Office to investigate the truth of this information and, in case it was true, to take care that such negotiations not be held because they would merely disturb the proceedings of

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the other negotiations.

"Just now I got word from the Foreign Office that they received a report from the embassy in Vienna confirming the facts. I therefore would like to know, whether it would not be more appropriate to forbid Landesleiter Leopold and the other members of the country's leadership to negotiate with Chancellor Schuschnigg as well as with any Austrian government authorities as to the execution of the pact of 11 July 1936 if it is not done after contacting and in agreement with the authorities in charge in the Reich".

Now, below, may I call the attention of the Tribunal to the note that appears in this letter. It is typewritten in blue pencil, and while the translator has not indicated the initial below that note, it is a large "G"; and I have no doubt that that note was written by the Defendant Goering. It reads:

"Agreed, Minister Hess or Mr. Bormann can give this order best! Keppler ought to ask therefore by telephone!"

If I may direct your attention to the upper righthand corner, there is another note in pencil, "Transmitted to Mr. Keppler on 11 February 1938 by Miss Gest," and it is signed with initial "G", which in this case, however, we are quite sure is the initial of Miss Grundmann who was one of Goering's secretaries.

The third document I offer as USA Exhibit 538, our Document 3471-PS, The first letter of this exhibit is written by the same Keppler to the same Bodenschatz mentioned a short while ago, but who is now a general. I shall not read from this exhibit, with the permission of the Tribunal, but I shall briefly summarize it. This letter and the annexes show that Leopold, the Nazi Landesleiter in Austria, was apparently not completely amenable to the orders given by Berlin, and pursued his own methods for accomplishing an Anschluss. The second annex to this letter, addressed to Keppler, who appears from this letter to have been an SS Obergruppenfuehrer, shows that prominent Nazis had declared themselves in favor of a Major Klaussner to succeed Leopold as Landesleiter; and I would like to call the Tribunal's attention to the fact that in the left margin of

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the covering letter appear some red crayon marks in the characteristic color employed on several occasions, to our knowledge, by Goering and they would seem to show that Goering personally had seen these documents, and that General Bodenschatz had brought them to his attention. In any event these letters again demonstrate that Goering was one of the principle conspirators in the Austrian affair.

When the time finally came on 11 March 1938, to consummate the Anschluss, Goering was in complete command. Throughout the afternoon and evening of that day he directed by telephone the activities of the Defendant Seyss-Inquart and of the other Nazi conspirators in Vienna. The pertinent portions of these telephone conversations, it will be remembered, were read into the record.

It will be recalled that early on the same evening of 11 March 1938, he dictated to the defendant Seyss-Inquart the telegram, which the letter was sent to Berlin, requesting the Nazi Government to send German troops to "prevent bloodshed." Two days later he was able to call the defendant Ribbentrop in London and gleefully relate to him of his success, and that "this story that we had given an ultimatum is just foolish gossip."

If I may advert for a moment, that passage I just alluded to was read into the record as page 981.

Similarly Goering played an important role in the attack on Czechoslovakia. In March of 1938, at the time of the "Anschluss", he had given a solemn assurance to the Czechoslovakian Minister in Berlin that the developments in Austria would in no way have a detrimental influence on the relations between Germany and Czechoslovakia, and he had emphasized the continued earnest endeavor on the part of Germany to improve these relations. In this connection, Goering had used the expression: "Ich gebe Ihnen mein Ehrenwort" (I give you my word of honor).

That expression was read previously into the record at page 962.

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On the other hand, in his address to German airplane manufacturers on 8 July 1938, which I have already mentioned, he made his private views on this subject, which were hardly consistent with his solemn official statements, abundantly clear.

On 14 October 1938, shortly after the Munich agreement, at a conference in the Air Ministry, Göring stated that the Sudetenland had to be exploited with all means, and that he counted upon a complete industrial assimilation of Czechoslovakia. Meanwhile, as proof before the Tribunal shows, he was deceiving the representatives of the puppet Slovakian government to the same end.

In the following year, with the rape of Czechoslovakia complete, Göring frankly stated what Germany's purpose had been throughout the whole affair. He explained that the incorporation of Bohemia and Moravia into the German economy had taken place, among other reasons, in order to increase the German war potential by exploitation of the industry there.

Göring was also a moving force in the later crimes against the peace. As the successor designate to Hitler, Chief of the Air Forces and Economic Czar of Greater Germany, he was a party to all the planning for military operations of the Nazi forces in the east and in the west.

In the Polish affair, for example, it was Göring who on 31 January 1935 gave assurances to the Polish Government through Count Czembek as revealed in the Polish White Book, of which I ask the Tribunal to take Judicial notice that "there should be not the slightest fear in Poland that on the German side it (meaning the German-Polish alliance) would not be continued in the future." Yet, four years later, Göring helped to formulate plans for the ruthless invasion of Polish territory.

In respect of the attack upon the Soviet Union, the documents already introduced prove that plans for the ruthless exploitation of Soviet territory were made months in advance of the opening of hostilities. Göring was placed in charge of this army of spoliation, whose mission was that of "seizing raw materials and taking over all important concerns."

But these specific instances cited are merely illustrative of Göring's activities in the field of aggressive war. On pages 20, 21 and 22 of our

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brief there appears a list of documents - by no means exhaustive - previously offered by the prosecution, which demonstrate Göring's knowledge of and continued participation in the Nazi war program.

We turn now to Göring's responsibility for planning and his participation in the procurement of forced labor, the deportation and enslavement of residents of occupied territories, the employment of prisoners of war in war industry, the looting of works of art, and the germanization and spoliation of countries overrun by the Nazis.

Evidence previously introduced has detailed the slave labor program of the Nazi conspirators, and has shown its two purposes, both of them criminal. The first was to satisfy the labor requirements of the Nazi war machine by forcing residents of occupied countries to work in Germany. The second purpose was to destroy or weaken the peoples of the occupied territories. It has been shown that millions of foreign workers were taken to Germany, for the most part under pressure and generally by physical force, that these workers were forced to labor under conditions of indescribable brutality and degradation, and that often they were used in factories and industries devoted exclusively to the production of munitions of war.

Göring was at all times implicated in the slave labor program. Recruitment and allocation of manpower and determination of working conditions were included in his jurisdiction as Plenipotentiary for the Four Year Plan, and from its beginning a part of the Four Year Plan Office was devoted to such work. I ask the Tribunal to take judicial notice of our Document 1862-PS, in this connection, and with the permission of the Tribunal I shall not read the same.

Ordinance for the Execution of the Four Year Plan, dated 18 October 1936, which appears in 1936 Reichsgesetzblatt, Part I, p. 887.

Soon after the fall of Poland, Göring began the enslavement of large numbers of Poles. On 25 January 1940, the defendant Frank, the Governor General of Poland, reported to Göring on his directive for the

> "Supply and transportation of at least 1 million male and female agricultural and industrial workers to the Reich - among them at least 750,000 agricultural workers of which at least 50% must be women - in

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order to guarantee agricultural production in the Reich and as a replacement for industrial workers lacking in the Reich. . ."

which is taken from our U.S.A. Exhibit 172, our Document No. 1375.

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That orders for this enormous number of workers originated with the Defendant Goering is clear from statements in the Defendant Frank's Diary for 10 May 1940, already introduced in evidence.

For the harsh treatment given those workers when they reached Germany, the Defendant Goering is also responsible. On 8 March 1940, as Plenipotentiary of the Four Year Plan, and as Chairman of the Cabinet Council for the Defense of the Reich, he issued a directive entitled: "Treatment of male and female civilian workers of Polish Nationality in the Reich." I refer to our document R-148 as proof of that fact. I shall not introduce it at this time into evidence, with the permission of the Tribunal, as it will be introduced by the Soviet prosecution at a later date.

On 29 January 1942, the Division for the Employment of Labor in the Four Year Plan Office issued a circular, signed by Dr. Mansfeld, the general delegate for labor employment in the Four Year Plan Office, addressed to various civilian and military authorities in the occupied territories, explaining that, and I quote: "Any and all methods must be adopted" to force workers to go to Germany. I shall not read from our exhibit, if the Tribunal please, but I would like to offer in evidence as USA Exhibit 585, 1183-PS. This is a circular letter of the Commissioner for the Four Year Plan, dated the 29th of January, 1942.

It has been shown previously that on 21 March 1942, Hitler promulgated a decreee appointing the defendant Sauckel Plenipotentiary General for Manpower, directing him to carry out his tasks within the framework of the Four Year Plan and making him directly responsible to Goering as head of the Four Year Plan.

On 27 March 1942, the defendant Goering issued his important enabling decree in pursuance of the decree of the Fuhrer of 21 March 1942. The Tribunal has already judiciall y noted this decree which is our document 1666-PS. 208

Since the defendant Sauckel was an authority under the Four Year Plan, the defendant Goring retains full responsibility for the enormous war crimes committed by Sauckel as Plenipotentiary-General for Manpower. These crimes have been the subject of our presentations on Slave Labor and on the Illegal Use of Prisoners of War.

It was also proven on these presentations that the Nazi conspirators

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ordered prisoners of war to work under dangerous conditions, and in the manufacturing and transportation of arms and munitions of war, in violation of the Laws of War and of Articles 31 and 32 of the Geneva Convention of 27 July 1929 on Prisoners of War. The defendant Goring had a part in all of these crimes.

At a conference on 7 November 1941, the subject of which was the employment of citizens of the Soviet Union, including prisoners of war, it appears from a memorandum signed by Koerner, who was State Secretary to the defendant Goring as Plenipotentiary for the Four Year Plan, that Goring gave certain ruthless directives for the use of Soviet citizens both prisoners of war and free Soviet workers as laborers. I refer to our document 1193-PS which, with the permission of the Tribunal, I shall not offer in evidence at this time, and which will be offered by the Soviet Prosecution.

In a set of top secret notes of outlines, laid down by Goring in what was apparently the same conference of 7 November 1941, which are already in evidence, the following facts appear:

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That of a total of 5 million prisoners of war - 2 million were employed in war industries;

That it was better to employ PW's than unsuitable foreign workers;

That Poles, Dutchmen, etc., should be seized if necessary, as PW's and employed as such, if work through free contract cannot be obtained.

These facts, if Your Honors please, appear in our Document 1206-PS, which is admitted in evidence as U.S.A. Exhibit 215.

In a secret letter from the Reichminister of Labor to the Presidents of the Regional Labor Exchange Offices, it is furthermore recorded that upon the personal order of the Reich Marshal, the Defendant Goering, 100,000 men are to be taken from among the French PW's not yet employed in the armament industry, and assigned to the airplane armament industry, and that gaps in manpower supply resulting therefrom are to be filled by Soviet PW's.

Evidence has also been introduced showing the organized, systematic program of the Nazi conspirators for the cultural impoverishment of every country in Europe. The continuous connection of the Defendant Goering with these activities has been substantiated.

In October 1939, the Defendant Goering requested Dr. Muehlmann to undertake immediately the "securing" of all Polish art treasures. In his affidavit already offered, Dr. Muehlmann states that he was the special deputy of the Governor General of Poland, the Defendant Frank, for the safeguarding of art treasures in the General Government from October 1939 to September 1943, and that the Defendant Goering, in his capacity as Chairman of the Reich Defense Council, had commissioned him with this duty.

Muehlmann also confirms that it was the official policy of the Defendant Frank to take into custody all important art treasures which belonged to Polish public institutions, private collections and the Church, and that such art treasures were actually confiscated.

It appears also from a report made by Dr. Muehlmann on 16 July 1943 on his operations, that at one time 31 valuable sketches by the artist

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Albrecht Dürer were taken from a Polish collection and personally handed to the Defendant Goering who took them to the Fuehrer's headquarters.

The part played by Goering in the looting of art by the Einsatzstab-Rosenberg has been shown. We refer to USA Exhibit 368, which is our Document No. 141-PS, which is an order dated 5 November 1940, already read in evidence, in which Goering directs the Chief of the Military Administration in Paris and the Einsatzstab-Rosenberg to dispose of the art objects brought to the Louvre in the following priority:

"1) Those art objects as to which the Fuehrer has reserved for himself the decision as to their use.

"2) Those art objects which serve to complete the Reich Marshal's collection.

"3) Those art objects and library stocks, the use of which seems useful to the establishing of higher institutes of learning.

"4) Those art objects that are suited for German museums."

In view of the high priority afforded by the foregoing order to the completion of the defendant's own collection, it is not surprising to find that Goering continued to aid the operations of the Einsatzstab-Rosenberg. It has been established that on 1 May 1941 Goering issued an order under his own signature to all Party, State and Wehrmacht Services, requesting them to give all possible support and assistance to the Chief of Staff of Reichsleiter Rosenberg.

By 30 May 1942 the defendant Goering was able to boast of the assistance which he had rendered to the work of the Einsatzstab-Rosenberg. In our Document 1015i-PS, which has been read in evidence on Page 1678 of the Record, he is shown writing to the Defendant Rosenberg that he personally supports the work of the Einsatzstab wherever he can do so, and that he accounted for the seizure of such a large number of art objects because he was able to render assistance to the Einsatzstab.

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Thus the Defendant Goering's responsibility, for the plunder and looting of art which was actually accomplished by the Einsatzstab-Rosenberg would seem clear.

Details both of the execution of the Germanization and spoliation policies in the Western and Eastern countries occupied by the German armies will be presented subsequently by the French and Soviet prosecution. The responsibility of the Defendant Goering, in his capacity as Plenipotentiary for the Four Year Plan, as President of the Cabinet Council for the Defense of the Reich and in other capacities, will be further demonstrated by that evidence.

The plans of the Nazi conspirators with respect to Poland have been shown by evidence already offered. The

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Nazis purported to incorporate the four western provinces of Poland into the German Reich. In the remaining portions occupied by them they set up the General Government. It has been shown that the Nazis planned to Germanize the so-called incorporated territories ruthlessly, by deporting the Polish intelligentsia, Jews and dissident elements to the General Government for eventual elimination, by confiscating Polish property, by sending those so deprived of their property to Germany as laborers, and by importing German settlers. It was specifically planned to exploit the people and material resources of the territory within the General Government by taking whatever was needed to strengthen the Nazi war machine, thus impoverishing this region and reducing it to a vassal state.

The Defendant Goering, together with Hitler and Lammers and with the Defendants Frick and Hess, on 8 October 1939 signed the decree by which certain parts of Polish territory were incorporated into the Reich.

Purporting to act by virtue of the foregoing decree, Goering, as Plenipotentiary of the Four Year Plan, signed an order on 30 October 1939 concerning the introduction of the Four Year Plan in the Eastern Territories.

In his directive dated 19 October 1939 Goering stated that the task for the economic treatment of the various administrative regions would differ depending on whether a country was to be incorporated politically into the German Reich, or whether the General Government was involved which, in all probability, would not be made a part of Germany.

He went on to say:

"In the first mentioned territories the reconstructions and expansion of the economy, the safeguarding of all their production facilities and supplies must be aimed at, as well as a complete incorporation into the Greater German economic system at the earliest possible time. On the other hand there must be removed

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from the territories of the General Government all raw materials, scrap materials, machines, etc., which are of use for the German war economy. Enterprises which are not absolutely necessary for the meagre maintenance of the naked existence of the population must be transferred to Germany, unless such transfer would require an unreasonably long period of time and would make it more practical to exploit those enterprises by giving them German orders to be executed at their present location."

From the foregoing documents, the complicity of the Defendant Goering in the plans for the ruthless explotation of Poland clearly appears. But his fine hand also may be found behind the remainder of the Nazi plans for Poland. As an illustration, it was the Defendant Goering who signed, with Hitler and the Defendant Keitel, the secret decree of 7 October 1939 which entrusted Himmler with the task of executing the Germanization program. That secret decree was read into evidence at pages 1522-23.

Evidence already introduced has shown from the mouths of Himmler, the Defendant Frank and others, just what this appointment involved in human suffering and degradation.

Similarly, it was the Defendant Goering who, by virtue of his powers as Plenipotentiary for the Four Year Plan, issued a decree on 17 September 1940 concerning confiscations in the incorporated Eastern territories. This decree applied to "property of citizens of the former Polish State within the territory of the Greater German Reich, including the incorporated Eastern territories." I ask the Tribunal to take judicial notice of our document 1665-PS, which is an "Order concerning Treatment of Property of Nationals of the Former Polish State," cited in 1940 Reichsgesetzblatt, Part I., page 1270. I shall read from this document.

"Article I.

"1) Property of nationals of the former Polish State within the area of the Greater German Reich, including annexed Eastern

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territories, is subject to confiscation, administration by commissioner and sequestration in accordance with the following regulations."

I now skip to Article II.

"1) Confiscation will be applied in case of property belonging to:

a) Jews

b) Persons who have fled or who have absented themselves for longer than a temporary period.

"2) Confiscation may be applied

a) If the property is needed for the public good, especially for purposes of national defense or the strengthening of German folkdom

b) If the owners or other persons entitled to it immigrated into the, then, area of the German Reich after 1 October 1918."

I skip now to Article 9, the first part.

"1) Sequestered property can be confiscated in favor of the Reich by the competent office if the public weal, particularly the defense of the Reich or the consolidation of the German nationality requires it."

Evidence has also been introduced by the United States

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showing the extent to which the spoliation of Soviet territory and resources, and the barbarous treatment inflicted on Soviet citizens, were the result of plans long made and carefully drawn up by the Nazis before they launched their aggressive war on the Soviet Union. The Nazis planned to destroy the industrial potential of the Northern regions occupied by their armies and so to administer the production of food in the South and Southeast, which normally produced a surplus of food, that the population of the Northern region would inevitably be reduced to starvation because of diversion of such surplus food to the German Reich. It has been shown also that the Nazis planned to incorporate Galicia and all of the Baltic countries into Germany and to convert the Crimea, an area North of the Crimea, the Volga territory, and the district around Baku into German colonies.

By 29 April 1941, almost two months prior to the invasion of the Soviet Union, it appearsthat Hitler had entrusted the Defendant Goering with the over-all direction of the economic administration in the area of operations and in the areas under political administration. It further appears that Goering had set up an economic staff and subsidiary authorities to carry out this function.

The form of this organization created by Goering, and the duties of its various sections appear more clearly in a set of directives "for the operation of the economy in the newly occupied territories" issued by Goering, as Reichsmarshal of the Greater German Reich, in June 1941. These directives are contained in the important "Green Portfolio" which curiously enough, was printed by the Wehrmacht. By the terms of these directives, it is stated that "The orders of the Reich Marshal cover all economic fields, including nutrition and agriculture. They are to be executed by the subordinate economic offices."

An "Economic Staff, East" was charged with the execution of orders transmitted to it from higher authority. One sub-division of this staff, the Agricultural Section, was charged with the following functions: 'Nutrition and Agriculture, the economy of all agricultural products, provision of supplies for the Army in cooperation with the Army groups

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concerned." Excerpts from the "Green Portfolio" have already been admitted as USA Exhibit 315, EC-472, but I will offer at this time some additional excerpts in support of the facts I have just related. I would like to offer as USA Exhibit 587, our Document 1743-PS. This is another copy of the "Green Portfolio", and I want to offer this portfolio to show to the Tribunal that these directives were originally published in June, 1941. Document EC-472, which is already in evidence as USA Exhibit 315, was a revised edition published in July, 1941. In other words, the economic plan for the invasion was ready when the Wehrmacht actually marched into the Soviet Union on June 22, 1941.

As appears from the foregoing directives, it was a subdivision of the economic organization set up by the Defendant Goering, the Agricultural Section of the "Economic Staff East", which rendered a top secret report on 23 May 1941, containing a set of policy directives for the exploitation of Soviet agriculture. It will be recalled that these directives contemplated abandonment of all industry in the food deficit regions, with certain exceptions, and the diversion of food from the food surplus regions to German needs, even though millions of people would inevitably die of starvation as a result. Those directives have already been read into evidence at page 1558.

Minutes of a meeting at Hitler's Headquarters on 16 July 1941, kept by the Defendant Bormann, have also been read in part in evidence. It was at this meeting that Hitler stated that the Nazis never intended to leave the countries then being occupied by their armies, that although the rest of the world was to be deceived on this point, nevertheless, "this need not prevent us taking all necessary measures - shooting, desettling, etc., - and we shall take them." That quotation, may it please the Tribunal, was taken from your Exhibit USA 317, our Document L-221. Then Hitler discussed making the Crimea and other parts of the Soviet Union into German colonies. The Defendant Goering was present and participated in this conference.

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As a final illustration it appears from a memorandum dated 16 September, 1941, which is our Exhibit 318, that Goering presided over a meeting of German military officials concerned with the better exploitation of the occupied territories for the German food economy. In discussing this topic, the defendant Goering said:

"In the occupied territories on principle only those people are to be supplied with an adequate amount of food who work for us. Even if one wanted to feed all the other inhabitants, one could not do it in the newly occupied Eastern areas. It is, therefore, wrong to funnel off food supplies for this purpose, if it is done at the expense of the Army and necessitates increased supplies from home."

From the foregoing documents, participation of the defendant Goering in the Nazi plans for committing wholesale war crimes in occupied territories is, we submit, clear.

I turn now to Goering's planning and his participation in inhumane acts committed against civilian populations before and during the war. It has been shown that shortly after becoming Prime Minister of Prussia in 1933, Goering created the Gestapo in Prussia, which became a model for that instrument of terror as it was extended to the rest of Germany. Concentration camps were established in Prussia in the spring of 1933 under his administration, and these camps were then placed in charge of the Gestapo, of which he was chief.

The extent to which Goering and the other Nazi conspirators employed these institutions as agencies for the commission of their crimes already appears from the evidence. In 1936 Himmler became chief of the German police. Thereafter, Goering was able to devote his attention chiefly to the task of creating the German Air Force and to the task of preparing the nation economically for aggressive war. However, he continued to be concerned with these institutions of his creation. An example of this is shown in our document 1584-PS-I, already introduced as USA Exhibit 221, which is a teletype sent by Goering to Himmler in which he requested the latter to place at his disposal as great a number of concentration camp inmates as possible, as the situation of air warfare

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made the subterranean transfer of industry necessary.

In his reply, Himmler advised Goering by teletype that a survey on the employment of prisoners in the aviation industry showed that 36,000 were being employed for the purposes of the Air Forces and that an increase to a total of 90,000 prisoners was being contemplated.

Evidence has been introduced as to medical experiments performed on human beings at the concentration camp at Dachau, and the part that Field Marshal Milch, State Secretary and Deputy to the defendant Goering as Air Minister, for whose acts the latter must bear full responsibility, is abundantly clear from letters written by Milch to General Wolff on 20 May 1942 and to Himmler in August, 1942, both of which have been read in evidence at page 1850 of the record, our document 343-PS. USA 463

Finally, I turn to Goering's participation and planning for the elimination of all members of the Jewish race from the economic life of Germany and in the planned extermination of all Jews from the continent of Europe.

In 1935, the defendant Goering, as President of the Reichstag, made a speech, urging that body to pass the infamous Nurnberg race laws. I offer as USA Exhibit 588 our document 3458-PS, which is an excerpt from Ruhle, Das Dritte Reich, page 257. Goering said:

"God has created the races. He did not want equality and therefore we energetically reject any attempt to falsify the concept of race purity by making it equivalent with racial equality. We have experienced what it means when a people has to live in accordance with the laws of an equality that are alien to its kind and contrary to nature. For this equality does not exist. We have never acknowledged such an idea and therefore must reject it also, as a matter of principle, in our laws, and we must acknowledge that purity of race which Nature and Providence have destined."

Again, to show his official attitude, as revealed on 26 March 1938 in a speech in Vienna, I offer as USA Exhibit 137 our document 3460-PS, starting with pages 348. Goering said:

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"I must address myself with a serious word to the city of Vienna. The city of Vienna can no longer rightfully be called a German city. So many Jews live in this city. Where there are 300,000 Jews, you cannot speak of a German city.

"Vienna must once more become a German city, because it must perform important tasks for Germany in Germany's Ostmark. These tasks lie in the sphere of culture as well as in the sphere of economics. In neither of them can we, in the long run, put up with the Jew.

"This, however, should not be attempted by inappropriate interference and stupid measures but must be done systematically and carefully. As Delegate for the Four-Year Plan, I commission the Reichsstatthalter in Austria jointly with the Plenipotentiary of the Reich, to consider and take any steps, necessary for the redirection of Jewish commerce, i.e. for the Aryanization of business and economic life, and to execute this process in accordance with our laws, legally but inexorably."

Acting within the framework of economic preparation for aggressive war, the Nazi conspirators then began the complete elimination of Jews from the economic life preparatory to their physical annihilation. The defendant Goering, as head of the Four Year Plan, was in active charge of this phase of the persecution.

The first step in his campaign was the decree of 26 April 1933, requiring registration of all Jewish property. Both Goering and the Defendant Frick signed that law. It is already in evidence.

I beg the Tribunal's pardon. I would like the Tribunal to take judicial notice of that decree, which is our document 1406-PS and cited as 1938 Reichsgesetzblatt, Part I, page 414.

Now, armed with the information thus secured, the Nazi conspirators were fully prepared to take the next step. The killing of von Rath, a German Legation Secretary in Paris on 9 November 1938, was made the pretext for widespread "spontaneous" riots, which included the looting and burning of many Jewish synagogues, homes and shops, all carefully organized and supervised by the Nazi conspirators. The defendant Goering was fully informed of the measures taken. The teletype orders of 10 November 1938 given by

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Heydrich, are already in evidence and were read at Page 1405 of the record. A letter which Heydrich wrote to Goering on the following day has also been read. It is our document 3058-PS, USA Exhibit 503. In it Himmler summarized the so-called "spontaneous" riots that had taken place. He reported the day after the riot that, insofar as the official reports from the district police were concerned, he was able to state that 815 shops were destroyed; 171 dwelling houses set on fire or destroyed, and that all this indicates only a fraction of the actual damage caused, as far as arson is concerned. He also said that, "Due to the urgency of the reporting, the reports received to date are entirely limited to general statements, such as 'numerous' or 'most shops destroyed'." Therefore, said Mr. Heydrich, "The figures given must have been exceeded considerably."

"191 synagogues were set on fire, and another 76 completely destroyed. In addition 11 parish halls, cemetery chapels and similar buildings were set on fire and 3 more completely destroyed.

"20,000 Jews were arrested." Thirty-six deaths were reported, and those seriously injured were also numbered at 36. Immediately after these so-called "spontaneous" riots of 9 November, Goering acted as chairman of a meeting at the Reich Ministry of Air devoted to the Jewish question, which also was attended by the defendant Funk and other conspirators. The stenographic report on that meeting is an extraordinary document, and it does not make pretty reading. It is our document 1816-PS. I should like to read certain passages that have not as yet been read into the record. I read from the top of the first page; of the German original, the first two paragraphs of Page 1 Goering speaks:

"Gentlemen, today's meeting is of a decisive nature. I have received a letter written on the Fuehrer's orders by the Stabsleiter of the Fuehrer's deputy Borman, requesting that the Jewish question be now, once and for all, coordinated and solved one way or another. And yesterday once again did the Fuehrer request by phone for me to take coordinated action in the matter.

"Since the problem is mainly an economic one, it is from the economic an that it shall have to be tackled. Naturally, a number of legal measures sha have to be taken which fall into the sphere of the Minister for Justice and into that of the Minister of the Interior; and certain propaganda measures

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shall be taken care of by the office of the Minister for Propaganda. The Minister for Finance and the Minister for Economic Affairs shall take care of problems falling into their respective resorts."

Specific measures to effect the Arianization of Jewish businesses were then discussed. A representative of German insurance companies was called in to assist in the solving of the difficulties created by the fact that most of the Jewish stores and other property destroyed in the rioting were in fact insured. In some cases, they were ultimately insured by foreign insurance companies. All present were agreed that it would be unfortunate to pass a law which would have the effect of allowing foreign insurance companies to escape liability. The defendant Goering then suggested a characteristic solution, and I pass to Page 10. In German it is the third full paragraph on Page 311. Goering said

"No, I don't even dream of refunding the insurance companies the money. The companies are liable. No, the money belongs to the State. That's quite clear. That would indeed be a present for the insurance companies. You make a wonderful Petidum there. You'll fulfill your obligations; you may count on that."

It is superfluous to quote further from the extensive discussion of all phases of persecution of the Jews that took place at this meeting. It is sufficient to point out that on the same day the defendant Goering, over his own signature, promulgated three decrees putting into effect the most important matters decided at this meeting. In the first of these decrees, a collective fine of one billion Reichsmarks was placed on all German Jews. I ask the Tribunal to take judicial notice of that decree, which is our document 1412-PS and appears in 1938 Reichsgesetzblatt, Part I, Page 1579.

The second decree entitled "A Decree on Elimination of Jews from German Economic Life," barred Jews from trades and crafts. I ask the Tribunal to notice judicially that decree, which is our document 2875-PS, cited in 1938 Reichsgesetzblatt, Part I, Page 1580.

The third decree entitled "Decree for the Restoration of the Appearance of the Streets of Jewish Economic Enterprises," took care of the insurance question raised in the morning's meeting by providing that insurance due to the Jews for various losses sustained by them was to be collected by the State.

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I ask the Court to notice judicially that decree also. It is our document 2694-PS and appears in 1938 Reichsgesetzblatt, Part I, Page 1581.

THE PRESIDENT: Shall we break off for ten minutes there?

(A recess was taken from 1520-1530 hours.)

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THE PRESIDENT: Mr. Albrecht, the Tribunal thinks that these methods, which are methods really which we have already had under consideration, might be presented in a more summary way than you have given them, andif you can possibly shorten the matters with which you are dealing now by summarizing more than you are, it will be more useful to the Tribunal, and will save time.

MR. ALBRECHT: My Lord, I think I am practically through with this point with which I am dealing, and I think I shall not have to take more than five or ten minutes.

THE PRESIDENT: Very well, but I may say that the same observation will apply to those who follow.

MR. ALBRECHT: May it please the Tribunal, the material I alluded to before the recess, we feel, is merely illustrative of the energetic manner in which Goering took part in driving the Jews from economic life at this period. Two other documents are pertinent on this point.

I would like to offer our document 069-PS as USA Exhibit No. 589, which is a circular letter dated 17 January, 1939, signed by the defendant Bormann, distributing a directive of the defendant Goering with respect to the housing of the Jews. I will be content with the summarization, if the Court please, and I don't intend to read further from that document.

The second document I desire to offer is our document 1208-PS, which I offer as USA Exhibit No. 590. That is an order of the defendant Goering as Commissioner for the Four-year Plan, dated 10 December 1938, prescribing the manner in which exploitation of Jewish property is to be undertaken, and warning that any profit resulting from the elimination of Jews from economic activity, is to go to the Reich.

There is no need, I believe, to read excerpts from the document, except that I do wish to call the attention of the Tribunal to the fact that the Goering letter is addressed to all the chief agencies of the Reich, to all the political leaders, and leaders of the affiliated organizations of the Party; to all Gauleiters, to all Reichsstatthalters, or governors, and to the various local heads of the German lands and subdivisions thereof.

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As the German Armies moved into other countries, the anti-Jewish laws were extended, often in a more stringent form, to the occupied territories. Many of the decrees were not signed by the defendant Goering himself, but were issued on the basis of decrees signed by him.

Nevertheless, in his capacity as Commissioner for the Four-year plan, or as Chairman of the Ministerial Council for National Defense, the defendant Goering himself signed a number of anti-Jewish decrees for occupied territories, including the decrees enumerated on pages 47 and 48 of our brief, of which I ask the Tribunal to take judicial notice.

During the later years of the war, the program of the Nazi conspirators for the complete physical annihilation of all Jews in Europe achieved its full fury. While the execution of this anti-Jewish program was for the most part handled by the SS and the Security Police, the defendant Goering remains implicated to the last in the final efforts to achieve a Nazi "solution" of the Jewish problem.

On 31 July 1941, he wrote a letter to the conspirator Heydrich, which is the final document to which I wish to draw the Tribunal's attention. It is a fitting climax to our presentation on this defendant to Your Honor. The reason why it was addressed to the notorious Heydrich, the predecessor of the defendant Kaltenbrunner, need not strain our imagination. This document is our document No. 710-PS, which has already been admitted as USA Exhibit No. 509, in connection with the case on the Gestapo. While it has already been read into evidence with permission of the Court, I would like to close my presentation with the reading of that letter: Goering writes to Heydrich -

> "Complementing the task that was assigned to you on 24 January 1939, which dealt with arriving at a thorough furtherance of emigration and evacuation, a solution of the Jewish problem as advantageious as possible, I hereby charge you with making all necessary preparations in regard to organizational and financial matters for bringing about a complete solution of the Jewish question in the German sphere of influence in Europe.

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"Wherever other governmental agencies are involved, these are to cooperate with you.

I charge you furthermore to send me, before long, an overall plan concerning the organizational, factual and material measures necessary for the accomplishment of the desired solution of the Jewish question."

The presentation made to the Tribunal on the individual responsibility of the defendant Goering has been intended to be merely illustrative of the mass of documentary evidence which reveals the leading part played by this conspirator in every phase of the Nazi conspiracy. Thus, we submit that the case against Goering is complete, and that his responsibility for the crimes with which he has been charged under Count One of the Indictment has been established.

May it please the Tribunal, this completes the presentation of the responsibility of the defendant Goering. We will now proceed with the arrangement had with the British Delegation on the presentation showing the individual responsibility of the defendant von Ribbentrop by Sir David Maxwell-Fyfe.

SIR DAVID MAXWELL FYFE: May it please the Tribunal, if the Tribunal would be good enough to look at Appendix D of the Indictment on page 28 of the English Text, they will find the particulars relating to the defendant - this defendant, and they will find that the Allegations regarding him fall into three divisions.

After reciting the offices which he held, the appendix of the Indictment goes on to say that the defendant Ribbentrop used the foregoing positions, his personal influence, and his intimate connection with the Fuehrer in such a manner that he promoted the accession to power of the Nazi conspirators as setforth in Count One of the Indictment, or permitted preparation for war setforth in Count One of the Indictment.

In the second section he participated in the political planning and preparation of the Nazi conspirators for war of aggression and wars in vidation of International treaties, agreements and assurances as set forth in Count One and Count Two of the Indictment.

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In accordance with the Fuehrer's principle, he executed and assumed responsibility for the execution of the foreign policy plans of the Nazi conspirators, as setforth in Count One of the Indictment.

Then the third section, he authorized, directed and participated in war crimes, as setforth in Count three of the Indictment and crimes against humanity, setforth in Count Four of the Indictment. Including, moreover, the crimes against persons and property in occupied territories; I hope it might be useful to the Tribunal if I follow that order. In these Allegations in the Indictment we collected the evidence for them in each of these in turn, and I, therefore, proceed to put in first of the Allegation that this defendant promoted the accession to power with the Nazi conspirators.

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The Tribunal notes already that the defendant held various offices, and these are useful collectively in his own certified statement, which has already been put in as USA Exhibit No. 5, document No. 2829-PS. And I think it would be convenient if I very briefly explained the different activities and offices of the defendant, which are dealt with in that list. It will be seen from that list that he became a member of the Nazi Party in 1932, but according to the semi-official statement in the Archives, he had gone to work for that Party before that time. That semi-official statement goes on and says that he succeeded in extending his business connections to political circles, having joined in 1930 the service of the Party at the time of the final struggle for power in the Reich, Ribbentrop played an important, if not strikingly obvious, part in the bringing about of the decisive meetings between the representatives of the President of the Reich and the heads of the Party, who had prepared the entry of Nazis into power on 30 January 1933. Those meetings, as well as those between Hitler and von Papen, took place in Ribbentrop's house in Berlin Dahlen.

The defendant was therefore present and active at the inception of the Nazi securing the power and after that. For that first period he was advisor to the Party on questions of foreign affairs. His title was first, "Collaborator to the Fuehrer on matters of Foreign Policy," and he later became representative in matters of foreign policies of the Staff of the Deputy. This was followed by membership on the Nazi Reichstag in November 1933, and in the Party organizations he became an Oberfuehrer in the SS, and was subsequently promoted to SS Gruppenfuehrer in 1938, and to Obergruppenfuehrer. Thereafter he obtained the official governmental positions.

On the 24 April 1934 he was appointed Delegate of the Reich Government in matters of Disarmament. It was after Germany had left the disarmament conference. In this capacity he visited London, foreign capitals. He was then given a more important, and certainly, a more designing title, the German Minister Plenipotentiary at Large, and it was in that capacity that he negotiated the Anglo-German Naval Agreement of 1935.

In March 1936 after the Nazi Government had reoccupied the Rhineland zone, which had been demilitarized in accordance with the terms of the

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Versailles and Locarno Treaties, and the matter was brought before the Council of the League of Nations, and the defendant addressed the Council in defense of the action of Germany, his next position began on 11 August 1936, when he was appointed Ambassador in London. He occupied that position for a period of some eighteen months, and his activities there while holding that position are not highly relevant to the matters now before the Tribunal, but in joining that period, in his capacity which he still had as German Minister Plenipotentiary at Large, he signed the original Anticomintern Pact with Japan in November 1936, and also the additional pact by which Italy jointed it in 1937.

Finally, so far as this part of the case is concerned, on 24 February 1938, this defendant was appointed Foreign Minister in place of the defendant von Neurath, and simultaneously was made a member of the Secret Cabinet Council (Geheimer Kabinsttsrat) established by decree of Hitler of that date. That takes us up to the period of his holding the office of Foreign Minister, and his action in that capacity will be dealt with in detail later on.

I refer the Tribunal without reading further, because I have already summarized it, to the extract in Das Archiv, which is document D472, which I now put in as Exhibit GB 130; also to the membership extract of the SS, which consist in the examination of the descent of SS leaders, that is inserted as Exhibit GB 131. Again I shall not trouble the Tribunal with the details which shows his rank, which I have already mentioned. There is no question of any honorable rank. It stated the rank of Gruppenfuehrer, and, of course, it gives his ancestry in detail in order to deal with the law relating to that subject. It also deals with the adoption of the "von", to securing the prefix of "von", but the defendant's evidence is now to deal with much more serious things than merely controversies with the government.

But there is one other new document which I shall put before the Tribunal in this part of the case, which is Exhibit GB 129, document 1337-PS, which shows the establishment of the Secret Cabinet Council, and membership in the Foreign Ministry. These are the activities of this defendant in the earlier part of his career, and in submission of the prosecution they show quite clearly that he assisted willing, deliberately, intently, and keenly in the militarily bringing of the Nazis into power, and into the earlier stage of their obtaining

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control of the German State.

I now come to the second Allegation in the Indictment, that this defendant participated in political planning and preparation with the Nazi conspirators for wars of aggression and wars in violation of International Treaties, agreements and assurances, and again it might help the Tribunal if I took this up shortly in order of aggression, and stated briefly the constituent allegation in reference to the matters before the Tribunal, only referring the Tribunal to any new document which I shall now present.

The first is the Anschluss with Austria, and there the Tribunal will remember that the defendant Ribbentrop was present at a meeting at Berchtesgaden on 12 February 1938, at which Hitler and von Papen met the Austrian Chancellor von Schuschnigg and his foreign minister Schmidt, Guido Schmidt. The Tribunal will find the official account on that interview in document 2461-PS, and which I put in as Exhibit GB 132, and the Tribunal will find of what I speak is truthful account of the interview in Exhibit USA 72, document number 1780-PS, which is the diary of the defendant Jodl, and the relevant entries are those for the 11 and 12 February 1938. They are extremely short, and I shall ask if the Tribunal will be kind enough to allow me to have it shown quite clearly his case for the prosecution, with his entries, that was put in on Chancellor Schuschnigg's interview, at the foot of the first page in that document of the book, document 1780-PS is the number.

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And the 11th of February the defendant Jodl writes: "In the evening, and on 12 February, General Keitel with General von Reichenau and Sperrle at Obersalzburg. Schuschnigg, together with R.G. Schmidt, are again being put under the heaviest political and military pressure. At 2300 hours Schuschnigg signs protocol.

"13 February; in the afternoon, General Keitel asks Admiral Canaris and myself to come to his apartment. He tells us that the Fuehrer's order is to the effect that military pressure by shamming military action should be kept up until the 15th. Proposals for these deceptive maneuvers are drafted and submitted to the Fuehrer by telephone for approval.

"At 2.40 o'clock the agreement of the Fuehrer arrived. Canaris went to Munich, to the Counter-Intelligence Office VII initiated the different measures.

"The effect is quick and strong. In Austria the impression is created that Germany is undertaking serious military preparations."

It is rather interesting, after reading the frank statement of the defendant Jodl, to look at the pale words of the official statement which I've also put in. That is the view of the meeting with Schuschnigg, which the prosecution placed before this court.

Will the Tribunal be good enough to ignore an allegation that appears in the trial brief that this defendant visited Mussolini before the Anschluss as is stated by a member of his staff. At that time it was mistaken by another member. Therefore, I'd rather the Tribunal ruled it out.

The next point on which there is no dispute is the telephone conversation which took place between the defendant Goering and the defendant Ribbentrop on the 13th of March 1938, when this defendant was still in London.

The Tribunal will remember that that was dealt with fully by my friend, Mr. Alderman. It was passing on what the prosecution submits as a completely false statement that there was no ultimatum. The facts of the ultimatum were explained by the earlier telephone conversations between the defendant Goering in Vienna. Defendant Goering then passed that on to the defendant Ribbentrop in London in order that he might propagate the story of there being no ultimatum in political circles in London. That appears in the telephone conversation which is US Exhibit 76, Document 2949-E, and I say it's fully dealt with in the transcript on page 582.

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The third action which this defendant took after his return from London. Although he had been appointed Foreign Minister in February, he had gone back to London to clear up his business at the embassy, and he was still in London until after the Anschluss had actually occurred, but his name appears as a signatory of the law-making Austria, a province of the German Reich. That is Document 2307-PS, which I now put in as Exhibit GB-133. And there is a reference in the Reichsgesetzblatt, which is given. These were the actions of the defendant with regard to Austria.

Then we come to Czechoslovakia, and there you have an almost perfect example of aggressive work in its various ways. Again I simply remind the Tribunal of the outstanding points with the greatest brevity. First, there is the question of stirring up trouble inside the country against which aggression is going to be set forth.

This defendant as Foreign Minister was concerned in the setting up of the Sudeten Germany under Henlein and the contacts between the foreign office and Henlein are in US Exhibit 93, 94, 95, and 96. These are documents 3060-E, 2789-PS, and 3059-PS. They have all been read by my friend, Mr. Alderman, but I simply give the Tribunal the effect of them, which is in their documents: Stirring up the Sudeten-German movement in order to act with the Government of the Reich.

Then, after that, the defendant Ribbentrop was present on the 28th of May 193(at the conference of Hitler, at which the latter gave the necessary instructions to prepare the attack on Czechoslovakia. That was dealt with previously on page 742 of the transcript. And I want to put before the Tribunal document 2360-PS which is a report of a speechof Hitler's in the Voelkischer Boebachter and, if the Tribunal would be good enough to look at it, it is a useful date to fix with regard to the aggression against Czechoslovakia because that was the day on which Hitler on his own proclamation had decided that aggression was to take place against Czechoslovakia. The extract which I've taken is quite short and, if the Tribunalwould look at the extract which says "Page 1, Columns 5 and 6, bottom", 2360-PS--

THE PRESIDENT: This is out of order.

SIR DAVID MAXWELL-FYFE: It's extremely short, My Lord.

THE PRESIDENT: You will read it?

SIR DAVID MAXWELL-FYFE: I'll read it. The important passage is:

"On the basis of this unbearable provocation which was still further emphasized by a truly infamous persecution and terrorizing of our Germans there I have now decided to solve the Sudeten-German question in a final and radical manner."

This was in January 1939. Then he goes on to say:

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"On 28 May I gave the order for the preparation of military steps against this state, to be concluded by 2 October."

The important point is that the 28th of May was the date when the Fall Gruen for Czechoslovakia was the subject of orders and was thereafter put into effect to come to fruition at the beginning of October. That is the second stage: "To lay well in advance your plans of aggression."

"The third stage is to see that the neighboring states are not likely to cause you trouble."

So we find that on the 18th of July, 1938, this defendant had a conversation with the Italian Ambassador Attolico, at which the attack on Czechoslovakia was discussed. That is US Exhibit 5, Document 2008-PS. And there were further discussions which are contained in US Exhibit 86 and 87, which are Documents 2791-PS and 2792-PS.

I think it's sufficient for me to say to the Tribunal that the effect of these documents is that it was made clear to the Italian Government that the German Government is going to move against Czechoslovakia.

The other country which was interested was Hungary because Hungary had certain territorial ideas with regard to parts of the Czechoslovakian Republic.

So, on the 23rd and 25th of August this defendant was present at the discussions and had discussions himself with the Hungarian politicians Imredi and Kanta, and these are found in US Exhibit 88 and 89, Document 2796-PS and 2797-PS.

This defendant endeavored to get assurances from Hungarian help and the Hungarian Government at the time was not too ready to commit itself to action, although it was ready enough with sympathy. These are to be found in the documents which I have mentioned. And, again, unless the Tribunal desires, I shan't read any document that I summarized that way.

Now, I've already mentioned that there had been contact with the Sudeten Germans. That was the long term grievance that had to be exploited. But the next stage was to have a short grievance and to stir up

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trouble, preferably at the fountainhead. And so, between the 16th and 24th of September, we find the German Foreign Office, of which this defendant was at the head, stirring up trouble in Prague, and that is shown very clearly in US Exhibit 97 to 101, which are Documents 2858-PS, 2855-PS, 2854-PS, 2853-PS, and 2856-PS. I've read them in order of date. And it's interesting, if the Tribunal would look at these. They ought to follow quite shortly the document they have just been looking at, beginning with 2758, The sort of thing which I am reminding the Tribunal, there you have the document on the 19th of September coming from the Foreign Office to the German Embassy in Prague.

"Please inform Deputy Kundt at Conrad Henlein's request to get in touch with the Slovaks at once and induce them to start demands."

And the other deals with questions of arrest and the action that would be taken against any Czechs in Germany in order to make the position more difficult.

That was the contribution which this defendant made to the pre-Munich crisis. After, as the Tribunal will remember, on the 29th of September, the Munich agreement was signed. That's GB-23, Document TC-23, which I've already read to the Tribunal.

And, after that -- I just remind the Tribunal of an interesting document which shows the sort of action which the Wehrmacht expected and the advice that the Wehrmacht expected from the Foreign Office.

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You have, on the 1st of October, document C-2, which is United States Exhibit 90, and that is a long document putting forward an almost infinite variety of breaches of international law, which were likely to arise or might have arisen from the action in regard to Czechoslovakia, and on all these points the opinion of the Foreign Office is sought. That, of course, remained a hypothetical question at that time because no war resulted.

Then, the Tribunal will remember the count--

THE PRESIDENT: Can you give us the number of that document?

SIR DAVID MAXWELL-FYFE: Yes, C-2, my Lord, US Exhibit 90.

Then, if the Tribunal please, we come to the second stage of the acquiring of Czechoslovakia. That is, having obtained the Sudetenland, arranging so that there would be a crisis in Czechoslovakia which would be an excuse for taking the rest. The Tribunal will remember the importance of this because it is the first time that the German Government went outside its own statement about not going beyond German blood.

On that point, again this Defendant was active. On the 13th of March, as events were moving to a climax, he sent a telegram to the German Minister in Prague who was under him, telling him to "make a point of not being available if the Czech Government wants to get in touch with you in the next few days." That is US Exhibit No. 116, document 2815.

At the same time, he saw a delegation of pro-Nazi Slovaks in Berlin at a conference with Hitler at which this Defendant was present. Tiso, one of the heads of the pro-Nazi Slovaks was directed to declare an independent Slovak State in order to assist in the disintegration of Czechoslovakia. That is US Exhibit 117, document 2802-PS, and the Tribunal might care to compare it with a previous meeting a month before, which is shown in document 2790-PS, US Exhibit 110. So that this Defendant was assisting in

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the task, again, of proposing internal trouble.

Then on the 14th of March 1939, the next day, Hacha, the President of Czechoslovakia, was called to Berlin. This Defendant was present at the meeting and the Tribunal will remember the usual pressure and threats which resulted in the aged President's permission to hand over the Czechoslovak State to Hitler. The Tribunal will find that subject dealt with on page 911 of the transcript, and the relevant exhibit is US Exhibit 118, document 2798-PS, which is the minutes of the meeting between Hitler and Hacha that this Defendant attended. You will also find it dealt with in US Exhibit 126, 3061-PS, which is the Czechoslovakian Government Report.

That was the end of the Czech part of Czechoslovakia. The following week this Defendant signed a treaty with Slovakia which I now put in. It is document 1439-PS, and I put it in as Exhibit GB-135, and the important part is Article II, under which the German Government was given the right to construct military posts and installations, and keep them garrisoned within Czechoslovakia. That is 1439-PS, which I put in as GB-135. Again, I am not going to read it at length, but I hope the Tribunal will stop me if there are any of these documents which they would like read instead of summarized.

In that way, this Defendant, by the terms of that treaty, after completely finishing Bohemia and Moravia as an independent state, had got this military control in Slovakia.

Before I pass to Poland there is one interesting little point on the Northern Baltic which I put before the Tribunal to show how this Defendant could hardly keep his hands out of the internal affairs of other countries, even when it didn't seem a very important matter. The Tribunal will remember that on the 3rd of April, 1939, as shown in GB-4, TC-50-PA, Germany had occupied Memeland. It would have appeared, as far as the Baltic States were

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concerned, that the position was satisfactory, but if the Tribunal will look at document 2953-PS, which I put in as Exhibit GB-136, and document 2952-PS, which I put in as GB-137, they will find that this Defendant acted in close concert with the Conspirator Heydrich, who is dead, in stirring up trouble in Lithuania with a group of pro-Nazi people called the Woldemaras Supporters. 2953-PS shows that Heydrich was passing to the Defendant Ribbentrop the request for financial support for the--

THE PRESIDENT: Just one moment, Sir David. Unfortunately these documents aren't in any order.

SIR DAVID MAXWELL-FYFE: I'm terribly sorry.

THE PRESIDENT: It is very difficult to find them. This follows after 3061 and 1439?

SIR DAVID MAXWELL-FYFE: Yes, it follows after 3061. The next one is what I referred to. The treaty with Slovakia, 1439, should come after that.

THE PRESIDENT: You are going to read 2953?

SIR DAVID MAXWELL-FYFE: Yes, my Lord. That is the one I was going to read. That is a letter from Heydrich to the Defendant Ribbentrop and it says:

"Dear Party Comrade v. Ribbentrop,

"Enclosed please find a further report about the 'Woldemaras Supporters.' As already mentioned in the previous report the 'Woldemaras Supporters' are still asking for help from the Reich. I therefore ask you to examine the question of financial support, brought up again by the 'Woldemaras

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Supporters' set forth on page 4, paragraph 2 of the enclosed report and to make a definite decision.

"The request of the 'Woldermaras Supporters' for financial support could, in my opinion, be granted. Deliveries of arms should not, however, be made under any circumstances."

Then, 2952, the next document, is a fuller report, and at the end of that there is added in handwriting, "I support small regular payments, e.g. 2,000 to 3,000 marks quarterly." It is signed "W", who I understand to be the Secretary of State.

I merely quoted that to show the extraordinary interference, even with compartively unimportant countries.

Then we pass to the aggression against Poland, and again the Tribunal has had that fully dealt with by my friend Colonel Griffith Jones, but again it might be useful if I just separated the various periods so that the Tribunal will have these in mind. The first was what one might call the Munich period, up to the end of September 1938, and at that time no language was too good for Poland. The Tribunal will remember the point.

The important documents showing that aspect of the case are GB-30, which is Document 2357-PS, Hitler's Reichstag speech on the 20th of February, 1938, and then GB-31, Document TC-76, which is the secret Foreign Office memorandum of the 26th of August, 1938, GB 27, Document 73 No. 40.

THE PRESIDENT: What number?

SIR DAVID MAXWELL-FYFE: It is a conversation between M. Lipski -

THE PRESIDENT: What was the number?

SIR DAVID MAXWELL-FYFE: I beg your Lordship's pardon. The last one was TC-76.

THE PRESIDENT: Yes, but after that.

SIR DAVID MAXWELL-FYFE: The next one was TC-73, No. 40. Seventy-three is the Polish White Book and 40 is the number of the document in the book. It is an extract from the conversation between M. Lipski, the Polish ambassador and this Defendant.

Finally in this group is TC-73, No. 42, Hitler's speech at the Sportpalast on the 26th of September, 1938, in which he said that this was

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the end of his territorial problems in Europe and expressed an almost violent affection for the Poles.

Now, the next stage was between Munich and the rape of Prague, and then the next stage - part of the German stage in Czechoslovakia having been accomplished and parts still remaining to be done - there is a slight change but still a friendly atmosphere. That begins with a conversation between this Defendant and M. Lipski, which is contained in Exhibit GB-27, Document TC-73, No. 44.

There this Defendant put forward very peaceful suggestions for the settlement of the Danzig issue. The Polish reply is in GB-28, TC-7345.

THE PRESIDENT: You didn't give the date of those, did you?

SIR DAVID MAXWELL FYFE: The first one is 24 October 1938; the Polish reply which says that it is unacceptable that Danzig should return to the Reich, but making suggestions of a bilateral agreement is the 31st of October 1938. Between these dates, the Tribunal will remember, according to Document C-137, Exhibit GB-33, dated the 21st of October, the German Government had made its preparations to occupy Danzig by surprise. But, although these preparations were made, still some two months later, on the 5th of January 1939, while the rape of Prague had not taken place, Hitler was suggesting to M. Beck, the Polish Foreign Minister, a new solution. That is contained in Document TC-7348, GB-34, the interview of Hitler and Beck on the 5th of January, 1939.

Then this Defendant saw M. Beck on the next day and said there was no violent solution of Danzig, but a further building up of friendly relations. That is contained in GB-35, Document TC-7349. Not content with that, this Defendant went to Warsaw on the 25th of January and, according to the report of his speech contained in 2530-PS, GB-36, talked of the continued progress and consolidation of friendly relations, and that was capped by Hitler's Reichstag speech on the 30th of January 1939, in the same sort of tones, contained in GB-37, TC-7357. That was the second stage - the mention of Danzig in honored words, because, of course, the rape of Prague had not been attained.

Then one has to remember, as one comes to the Summer, the meeting at the Reichschancellory on the 23rd of May, 1939, which is reported in Document L-79, US Exhibit 27. It has been read many times to the Tribunal, and I only remind them as to this point: that that is the document where Hitler makes quite clear, and states in his own words, that Danzig has nothing to do with the real Polish question. I have to deal with Poland because I want lebensraum in the East. That is the effect of that portion of the document which has been read so often to the Tribunal--that Danzig was merely an excuse.

It is important to have in mind, if I may respectfully suggest it, that that meeting was on the 23rd of May, 1939, because there is an interesting corroboration of the attitude of mind--in showing how clearly this Defendant Ribbentrop had adopted the attitude of mind of Hitler, in the introduction to Count Ciano's Diary, which was put in as US Exhibit 166, 2987-PS, but I don't think this part of the Diary, the introduction, has been raised before the Court. It is 2987-PS, and it comes after L-79, which is the Little Schmundt File, just after the Obersalzburg Document. It is set out in the trial brief, if the Tribunal will care to follow it there. Count Ciano says:

"In the Summer of 1939 Germany advanced her claim against Poland, naturally without our knowledge; indeed, Ribbentrop had several times denied to our Ambassador that Germany had any intentions of carrying the controversy to extreme. Despite these denials I remained in doubt; I wanted to make sure for myself, and on August 11th I went to Salzburg. It was in his residence at Fuschl that Ribbentrop informed me, while we were waiting to sit down at the table, of the decision to start the fireworks, just as he might have told me about the most unimportant and commonplace administrative matter. 'Well, Ribbentrop,' I asked him, while we were walking in the garden, 'What do you want? The Corridor, or Danzig?' 'Not any more', and he stared at me through those cold Musee Greven eyes, 'We want war.'"

I remind the Tribunal how closely that corroborates the statement that Hitler had made at his Chancellory conference on the 23rd of May--that it was no longer a question of Danzig or the Corridor, it was a

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question of war to achieve the lebensraum in the East.

Then I remind the Tribunal, without citing it, that the "Fall Weiss" for operation against Poland is dated the 3rd and 11th of April, 1939, which certainly shows that preparations were already in hand.

And then there is another reference in Count Ciano's Diary which also has not been read, and which makes this point quite clear. Again, if the Tribunal would take it as set out in the trial brief, I will read it, as it hasn't been read before:

"I have collected in the conference records of verbal transcripts of my conversations with Ribbentrop and Hitler. I shall only note some impressions of a general nature. Ribbentrop is evasive every time I ask him for particulars of the forthcoming German action. He has a guilty conscience. He has lied too many times about German intentions towards Poland not to feel embarrassment now over what he must tell me and what he is preparing to do.

"The will to fight is unalterable. He rejects any solution which might satisfy Germany and prevent the struggle. I am certain that even if the Germans were given everything they demanded, they would attack just the same, because they are possessed by the demon of destruction.

"Our conversation sometimes takes a dramatic turn. I do not hesitate to speak my mind in the most brutal manner. But this doesn't shake him in the least. I realize how little weight this view carries in German opinion.

"The atmosphere is icy. And the cold feeling between us is reflected in our followers. During dinner we do not exchange a word. We distrust each other. But I at least have a clear conscience. He has not."

Whatever other defects there may have been about Count Ciano, there cannot be an appreciation of the situation which is more heavily corroborated by supporting documents than his diagnosis of the situation in the Summer of 1939.

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Then we come to the next stage in the German plan, which was sharp pressure of the claim for Danzig shown immediately after Czechoslovakia had been formally dealt with on the 15th of March. It is shown how closely it followed the completion of the rape of Prague. The first sharp raising of the claim was on the 21st of March, as shown in Document GB-38, TC-7361. And that developed, as the Tribunal has heard from Colonel Griffith-Jones.

Then we come to the last days before the war, and one interesting sidelight is that Herr von Duerksen, the German Ambassador at the Court of St. James, returned from London on the 18th of August, 1939; and I put in the extract from the interrogation of the Defendant Ribbentrop, which is Document D-490. I put that in as GB-138.

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I do not intend to read it to the Tribunal because it can be summarized in this way; that the Defendant Ribbentrop has certainly no recollection of ever having seen the German Ambassador to the Court of St. James after his return. He thinks he would have remembered him if he had seen him and he accepts the probability that he did not see him. And there is the point, when it was well-known that war with Poland would involve England and France, that either he was not sufficiently interested in opinion in London to take the trouble to see his ambassador or else, as he rather suggests, he had appointed so weak and ordinary a career diplomat to London that his opinion was not taken into account, either by himself of by Hitler. In either case, he was completely uninterested in anything which his Ambassador might have to tell him as to opinion in London or the possibility of war. And I conceive myself speaking with great moderation in putting it this way, that in the last days before the first of September, 1939, this defendant did whatever he could to avoid peace with Poland and to avoid anything which might hinder the encouragings of the war which we know he wanted. He did that, well knowing that war with Poland would involve Great Britain and France. These details were given in full by Col. Griffith Jones.

I am not going through them again but I have, for the convenience of the Tribunal, referred to the transcript at pages 1000 to 1059 and M. Lipski summarized all that took place in his report of the 10th of October, 1939, which is Document TC 73 - 147, which is Exhibit G.B.127.

Now, these are the actions of this defendant in the Polish matter.

I am glad to inform the Tribunal, that with regard to the other countries, they are very much shorter than with regard to Poland.

I now come to Norway and Denmark. I remind the Tribunal of the fact, if it cares to take cognizance thereof, that on the 31st of May, 1939, the Defendant Ribbentrop, on behalf of Germany, signed a non-aggression pact with Denmark, which provided that, "The German Reich and the Kingdom of Denmark will under no circumstances go to war or employ force of any other kind against one another." This is Exhibit G.B.77, Document TC24.

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And just to fix the date, the Tribunal will remember that on the 7th of April, 1940, the German armed forces invaded Denmark and at the same time they invaded Norway.

With regard to Norway there are three documents which show that this defendant was fully in the earlier preparations for that act of aggression. The Tribunal will remember that my friend, Major Elwin Jones, did indicate, with some particularity, the relations between Quisling and the Defendant Rosenberg. But Rosenberg in this case also required the help of the Defendant Ribbentrop and, if the Tribunal would be good enough to turn to Document 957 PS, which I am putting in as G.B.139, they will see the first of the documents which connect this defendant with the earlier Quisling activities.

The first one, 957 PS, is a letter from Defendant Rosenberg to this defendant and it begins:

"Dear Party Comrade von Ribbentrop:

"Party Comrade Scheidt has returned and has made a detailed report to Privy Councillor von Gründherr, who will address you on this subject. We agreed the other day that two to three hundred thousand Reichsmarks would be made immediately available for the said purpose. Now it turns out that Gründherr states that the second instalment can only be made available after eight days. But as it is necessary for Scheidt to go back immediately, I request you to make it possible that this second instalment is given to him at once. With a longer absence of Reichsamtsleiter P.S. Scheidt also the connection with your representatives would be broken up, which just now, under certain circumstances, could be very unfavourable.

"Therefore I trust that it is in everybody's interest, if P. M. Scheidt goes back immediately."

That was the 24of February.

Now, the next document is a report from Rosenberg to Hitler, and if the Tribunal will be good enough to turn to page 4 -- this is on the Quisling activities -- they will find that that passage is sufficient to

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show how this defendant was connected with it. It is the second paragraph on page 4. It is the next document, 004-PS. It should be the one after 957-PS. It is only a matter of chance whether one finds it or not.

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SIR DAVID MAXWELL-FYFE: This is a report from Rosenberg to Hitler.

"Apart from financial support which was forthcoming from the Reich in currency, Quisling had also been promised a shipment of material for immediate use in Norway, such as coal and sugar. Additional help was promised. This shipments were to be conducted under cover of a new trade company, to be established in Germany or through especially selected existing firms while Hagelin was to act as consignee in Norway. Hagelin had already conferred with the respective Ministers of the Nygardsvold Government, as for instance, the Minister of Supply and Commerce and had been assured permission for the import of coal. At the same time, the coal transports were to serve possibly to supply the technical means necessary to launch Quisling's political action in Oslo with German help. It was Quisling's plan to send a number of selected, particularly reliable men to Germany for a brief military training course in a completely isolated camp. They were then to be detailed as area and language specialists to German Special Troops, who were to be taken to Oslo on the coal barges to accomplish a political action. Thus Quisling planned to get hold of his leading opponents in Norway, including the King, and to prevent all military resistance from the very beginning. Immediately following this political action and upon official request of Quisling to the Government of the German Reich, the military occupation of Norway was to take place. All military preparations were to be completed previously. Though this plan contained the great advantage of surprise, it also contained a great number of dangers which could possibly cause its failure. For this reason it received a quite dilatory treatment, while at the same time, it was not disapproved as far as the Norwegians were concerned.

"In February, after a conference with General Field Marshal Goering, Reichsleiter Rosenberg informed the Secretary in the Office of the Four Year Plan, only of the intention to prepare coal shipments to Norway to the named confidant Hagelin. Further details were discussed in a conference between Secretary Wohlthat, Staff Director Schickedanz and Hagelin. Since Wohlthat received no further instructions from the General Field Marshal, Foreign Ministe von Ribbentrop -- after a consultation with Reichsleiter Rosenberg -- consented to expedite these shipments through his office. Based on a report of Reichsleiter Rosenberg to the Fuehrer it was also arranged to pay Quisling ten thousand English pounds per month for three months, commencing on the 15 of

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thousand English pounds per month for three months, commencing on the 15 of March, to support his work".

This was paid through Scheidt, the man who was mentioned before.

Now, the other document, which should be next one -- I hope it is in your Lordship's copy, number D 629, is a letter from Defendant Keitel to Defendant Ribbentrop, dated the 3 of April, 1940. I need only trouble the Tribunal with the first paragraph. The Defendant Keitel says:

"Dear Herr von Ribbentrop:

"The military occupation of Denmark and Norway has been, by comment of the Fuehrer, long in preparation by the High Command of the Wehrmacht. The High Command of the Wehrmacht has therefore had ample time to occupy itself with all the questions connected with the carrying out of this operation. The time at your disposal for the political preparation of this operation, is on the contrary, very much shorter. I believe myself therefore to be acting in accordance with your own ideas in transmitting to you herewith, not only these wishes of the Wehrmacht which would have to be fulfilled by the Governments in Oslo, Copenhagen and Stockholm for purely military reasons, but also if I include a series of requests which certainly concern the Wehrmacht only indirectly but which are, however, of the greatest importance for the fulfillment of its task".

Then he proceeds to ask that the Foreign Office get in touch with certain commanders. The important point for which I read it to the Tribunal, as far as I know for the first time, is that there we have the Defendant Keitel saying quite clearly that the military occupation of Denmark and Norway has been long in preparation. And it is interesting when one looks back to the official life of Ribbentrop, which is contained in the Archives, and is Document D 472. I am only quoting a sentence because of the interesting contract.

"With the occupation of Denmark and Norway on the 9 of April, 1940, only a few hours before the landing of British troops in these territories, the battle began against the Western Powers.."

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Then it goes on to Holland and Belgium.

It is quite clear that whoever else had knowledge or whoever else was ignorant, this Defendant Ribbentrop, had been up to his neck in the Quisling plottings and it is made clear to him well a week before the invasion started, that the Wehrmacht and the Defendant Keitel had been long in preparation for this particular act of aggression.

I think, my Lord, that is really all the evidence on the aggression against Norway because again, the story was put forward fully by my friend, Mr. Elwyn Jones.

THE PRESIDENT: We will adjourn now.

(Whereupon at 1700 o'clock the Tribunal adjourned until 1000 o'clock the following day)